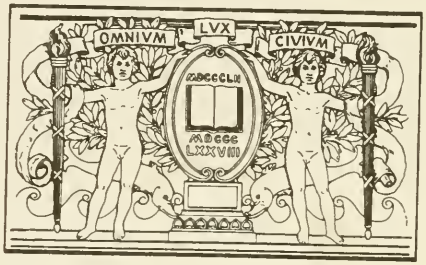

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HEARING ON DOMESTIC VIOLENCE

United States. Congress. House.

HEARING

BEFORE THE

SUBCOMMITTEE ON SELECT EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES

NINETY-EIGHTH CONGRESS

FIRST SESSION

HEARING HELD IN WASHINGTON, D.C., JUNE 23, 1983

Printed for the use of the Committee on Education and Labor

U.S. GOVERNMENT PRINTING OFFICE

23-154 O WASHINGTON : 1983

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HEARING ON DOMESTIC VIOLENCE

THURSDAY, JUNE 23, 1983

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON SELECT EDUCATION,
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met, pursuant to call, at 9:30 a.m., in Room 2261, Rayburn House Office Building, Hon. Austin J. Murphy (chairman of the subcommittee) presiding.

Members present: Representatives Murphy, Miller, and Bartlett.

Staff present: Roseann Tulley, acting staff director; Tanya Rahall, majority staff assistant; Pat Morrissey, minority legislative associate; and Mary Jane Fisk, minority senior legislative associate.

Mr. MURPHY. Good morning. I apologize for not being here earlier, but we had a meeting at 9 o'clock and we were detained discussing taxes, budget, and other good things.

This morning the subcommittee will be receiving testimony from individuals who have been involved with domestic violence activities in various ways, either as victims, abusers, advocates for victims, counselors, or police officials. It is hoped that these witnesses will be able to provide the Congress with information on the extent and severity of this problem, as well as to advise us as to what action should be taken to aid the victims of such abuse.

Within the past 2 years, shelters have reported a significant increase in the number of women and families seeking their assistance. As a result of the drastic increase in cases of abuse and the decrease in funding, many shelters have been forced to turn victims away. One Pittsburgh area shelter alone has advised me that for every one family served, five are turned away. They further go on to say that the situation has become so desperate for many victims that they are seeking refuge with their children, in their cars, or in condemned buildings.

During my visit to shelters earlier this year, lack of funding to provide additional housing, shelters, and trained staff were expressed as the main concerns of those operating the shelters. Some reports have indicated that the type of abuse is also becoming more severe. Shelters that once saw victims of verbal abuse and slappings are now seeing victims being threatened with guns and knives.

An FBI crime report revealed that 40 percent of female homicide victims are killed by family members or in residence friends. Currently, there is no Federal program to address the needs of victims of spouse abuse. In the past, some Federal funding has been re-

ceived via programs such as Community Services Administration, Legal Services Corp., Law Enforcement Assistance Administration, and title XX, as well as support through volunteers, sponsored by CETA and VISTA.

Since 1981, however, funding for these programs has either been totally terminated or so drastically reduced that support for shelters has all but been eliminated. A few States, such as Florida and my own State of Pennsylvania have managed to provide some financial support to shelters through State programs. However, even this support, coupled with private donations, and fundraising events, has still fallen short of the shelters' needs, forcing the closing of many of their doors.

I look forward to hearing from our witnesses today regarding this most serious problem and to receiving their suggestions as to how this problem should be addressed. I expect to soon be joined by some of my other colleagues and we would like to call the first panel of witnesses, Ms. Bonnie Flynn of Ft. Lauderdale, accompanied by a former victims, Ms. Susan Kelly-Dreiss, accompanied by a former victim from Pennsylvania, and Mr. John Dean of Woodbridge, Va., former abuser, and now operating a program for abusers.

The panel will please take their seats at the witness table and we will first call on Ms. Flynn to proceed. Thank you, Ms. Flynn.

[The prepared statement of Bonnie Flynn follows:]

WOMEN IN DISTRESS OF BROWARD COUNTY, INC.,
Fort Lauderdale, Fla., June 17, 1983.

Congressman AUSTIN J. MURPHY,
Committee on Education and Labor,
Washington, D.C.

DEAR CONGRESSMAN MURPHY: Enclosed are 25 copies of testimony on Domestic Violence to be presented on June 23, 1983 before the Subcommittee on Select Education.

The testimony outlines the problem of domestic violence with information on its extent and severity as well as the types of services for victims, children and abusers.

We feel Federal legislation providing funding would enable strong preventative support in meeting vital needs within our Nation to families that are victims of Domestic Violence. A proposal of how this might be accomplished is included in my testimony.

Thank you so much for affording me this opportunity to share testimony. Please know that if any further assistance is needed by the Subcommittee I will be happy to provide it.

Sincerely,

BONNIE M. FLYNN, *Executive Director.*

PREPARED STATEMENT OF BONNIE M. FLYNN, EXECUTIVE DIRECTOR, WOMEN IN DISTRESS OF BROWARD COUNTY, INC., FORT LAUDERDALE, FLA.

DEFINITION OF DOMESTIC VIOLENCE

Domestic violence is abuse which takes place within the family unit. It encompasses all members of the family and typically takes form in spousal abuse, child abuse, and parent abuse. The violence which is perpetrated by one family member to another can range from a mild slapping and pushing to severe injuries resulting in death. We define domestic violence in terms of physical and verbal abuse.

The first, and most overt is physical violence. Acts of physical violence include someone throwing an object at another person, pushing, slapping, beating, threatening or using weapons against someone. Physical violence may produce bruises, broken bones, broken relationships, broken lives, bodily or emotional scars. Sometimes physical violence leads to suicide or homicide.

Psychological abuse is the second form of family violence. Many people assume that psychological abuse refers to verbal arguments. In fact, acts of psychological abuse may be compared to acts of brainwashing that occur in war. Depriving a person of sleep or food and verbally undermining his/her sense of self worth is an example of this form of abuse.

Acts of violence within the family victimize people where they are most vulnerable—in the context of their family where they expect nurturance, love and acceptance, not abuse.

Spouse abuse knows no social boundaries. It is manifested in all social groups, races, occupations, religious groups and ages.

HISTORY OF SPOUSE ABUSE

Spouse abuse is not a problem which originated in modern society. The existence of it is well documented historically. With the development of the Western society the husband became responsible for the actions of his wife both in legal and moral terms. A husband's right to discipline his wife by using physical force was condoned by law and religion. Many of these laws still remain today. For instance, a law only recently abolished, permitted a man to beat his wife with a stick no thicker than his thumb.

As society began to view spouse abuse as unacceptable, laws were passed in most states making it a criminal offense punishable by law. Out of this new attitude women began to realize that they did not have to live in an abusive environment and that other living options were available to them. Shelters for victims of domestic violence emerged all around the country making it possible for families to escape their often life-threatening environments.

CYCLE OF ABUSE

Understanding the cycle theory of violence is paramount for those persons interested in the identification and prevention of, and intervention to alleviate the abuse. Dr. Lenore E. Walker, Director of the Battered Women Research Center at Colorado Women's College, states that the battered woman and her partner go through a three-stage cycle.

In the first stage tension builds, but there are no serious outbreaks of violence. The wife constantly attempts to please and accommodate the husband and can manipulate the violence so that it does not escalate.

These efforts to keep the peace get increasingly less effective and the husband's behavior becomes more unpredictable which results in the acute battering stage which constitutes the second phase in the cycle. The acute battering stage is usually a severe violent episode typically lasting up to twenty-four hours.

In the third stage the husband is filled with remorse, vows he will never hurt his wife again and may shower her with gifts. The contrite, loving third phase is usually the stage which holds the marriage together as both partners feel assured that the violence will not happen again. This cycle of violence will repeat itself continuously and tends to intensify each time.

Another cycle of domestic violence is the generation cycle of abuse. Violent reactions to a stressful situation is a learned behavior. It is a known fact that male children who are raised in abusive homes are likely to batter their wives as adults. Similarly, female children learn to become victims of abuse and view it as acceptable, having witnessed abuse in the home as children.

EXTENT OF DOMESTIC VIOLENCE

Sociologists (Strauss, Gelles & Steinmetz, 1980) who conducted the first surveys of domestic violence concluded that intrafamilial violence occurs more often than any other form of violence except from war. Estimates vary from 28 percent of all American couples engaging in violence (Strauss, 1980) to 50 percent of all women seriously abused at some point in their lives (Walker, 1979).

There are over two million reported cases of spouse abuse each year and (Strauss) approximately 24 percent of all murders take place within the family (FBI Uniform Crime Reports). It is estimated that 4.8 percent of all murders were committed by women who killed their husbands in self-defense (Bende, 1980). It is further reported in a large survey of United States males that the majority of this sample favored the use of violence as a means of marital control (Kahn, 1972). It is important to note that battering husbands tend to come from families where their fathers were violent towards their mothers (Steinmetz, 1977). In a study done by Carlson in 1977 33 percent of battering men were high school dropouts and only 17 percent were

college graduates. Carlson, 1977, reported that 60 percent of battering men were abusers of alcohol. Other researchers feel that this number is highly exaggerated. Realistically it is estimated that alcohol is a problem in approximately 20 to 30 percent of the cases. One third of all women who commit suicide have a history of being abused according to Bryon Gumbold, of the Today Show.

It is evident from the statistics that spouse abuse is an ever growing problem. However, it is not limited to wife abuse, as it has been noted that 250,000 men are abused annually by their spouses in this country.

In Broward County, Florida there are over 600 reported cases of domestic violence reported each month. According to the FBI statistics this represents only 1 in 10 of the actual incidents in Broward County which has a population slightly over 1,000,000 people. Nearly 50 percent of the calls for police assistance in Broward County involve husband/wife disputes. The domestic assualt call for police is usually the most dangerous call which they receive, and one in which frequently results in death to the officer.

Women in Distress has provided training for nearly all police departments in Broward County on effective techniques in handling domestic calls. This program has reached over 1,500 police officers and has resulted in approximately 25 percent of Women in Distress agency referrals from the police. WID clients are in the 25 to 35 age group. Approximately 64 percent of WID clients are white, 34 percent black, and 6 percent Hispanic. Also approximately 30 percent who were clients at WID return to their abusive spouse; 70 percent successfully go on to lead nonviolent, independent lives. During 1982 Women in Distress served a total of 1,076 women and children. Approximately 70 percent of the WID clients are unemployed at the time of arrival to the shelter, while at the time of discharge there are only 2 percent unemployed.

TYPES OF SERVICES TO VICTIMS

Battered spouses

In Broward County the Women in Distress shelter provides services to the battered spouse and their children for a period of up to six weeks. Included in this service is not only food and shelter, but both individual and group counseling sessions. The counseling offers the vehicle for facilitating knowledge of the options available to a battered spouse. Some of these options include marital counseling for both the victim and the abuser, job seeking skill and assessment training, assertiveness training, parent effectiveness training, hygiene and nutrition education, as well as family planning. Many of these groups provide education which can be utilized to the accomplishment of goals which are set by the client as they enter the agency. It is through this means of goal setting that an evaluation can be made at the time of dischange, as well as in a subsequent follow-up indicating the success of programming.

The Women in Distress shelter is the oldest and largest shelter in the state, and nation as well. WID is the only shelter within Broward County and provides safe shelter for 54 people. The complex contains eight individual apartments where women may maintain their family units. The resident is able to prepare her own meals, do housecleaning and laundry and be as closely approximated to a normal life style while she resides at the agency. However, the completion of chores and meeting the individual and group counseling requirements of attendance are key to their ability to succeed. The program notably is a self help program and designed to assist families in coming back together where possible. However, if there is no possibility for that outcome then the appropriate community agencies of legal assistance and ongoing counseling are presented in the form of referrals.

Children of battered spouses

The shelter also provides innovative programming to the children of the battered spouses. In the center of the complex is a licensed Day Care facility for the children of its residents. Programming here is specialized to attend to the needs of children who have witnessed violence in the home. It is a very unique program which teaches alternative ways of dealing with anger in appropriate, acceptable ways.

Batterers program

The last component of the Women in Distress program which was started as a pilot program for a three month period offered counseling to the batterer outside of the shelter site. This program has not had the opportunity to produce significant results due to the lack of funding. Referrals to this program have not been positive. It is hypothesized that being able to provide an Umbrella Service Program to the

spouse, the children, and the batterer in a systematic approach to the problem would provide some very positive results leading to non-violent life styles. Funding shortages prevent current program expansions.

SOURCES OF FUNDING FOR SERVICES

In Broward County the Women in Distress shelter is funded by five funding sources. They are the United Way of Broward County, the Broward County Commissioners, the Mental Health Board, the State of Florida Spouse Abuse Trust Fund, the Criminal Justice Bureau and from general contributions from the community. These sources provide the current level of services for the twenty-four hour a day, seven day a week operation. However, in order to provide the umbrella of services outlined above in a quality, extensive form, local fund raising techniques are utilized to make up the differences. During the agency existence of the past nine years there have been many struggles. Among them the loss of CETA funding in 1980 in which the shelter lost half of its staff. This problem was overcome through the use of a volunteer force which is still utilized. However, the continued need for qualified, quality paid staff is provided in a limited proportion to the funding available. WID is able to continue services by providing community awareness to an average of 100 organizations each year, reaching over 20,000,000 persons through the media of newspaper, television and radio. WID provides information and referral services to nearly 2,500 families each year. It is important to note that WID functions within a community which accepts their mission, goals and objectives, as evidenced by the local support from governmental agencies and community leaders. This acceptance of the agency and its services has resulted from intensive communication and public relations programs.

FEDERAL FUNDING LEGISLATION

Shelters have struggled for the last decade to stay open, to make the problem known in our communities. We have exhausted our local resources. We now need our Federal government's support to attack this epidemic of domestic violence. A cooperative effort exists between State and local funding bodies. It is not enough. If we are to protect our families the problem must be recognized nationally and set as a funding priority. This can be done with appropriate legislation providing some grants to the States for the purpose of funding shelter programs.

METHODOLOGY FOR IMPLEMENTATION

In many states of the United States there already exists the mechanism through which these grants could be administered. That is through the state divisions. In Florida, the State of Florida Health & Rehabilitative Services currently provides the state funding administrator for the Spouse Abuse Trust Funds which result from marriage license fees. This organization currently has in place the certification mechanisms for shelters which insure accountability of programming and evaluation designs. The results of this program in Florida have been astounding. The organization of HRS provides the stable, accountable, quality assurance of shelter services in the State. It will be but one step further to request of them the allocations implementation and evaluation components for any special grants from the Federal Government. By utilizing this organization which is already in place further bureaucratic levels of administrative cost would be completely eliminated for there would be no administrative costs. The monies would be earmarked precisely for programmatic services throughout the state. It is felt that the State of Florida could provide the optimal model as a pilot for such a grant.

CONCLUSION

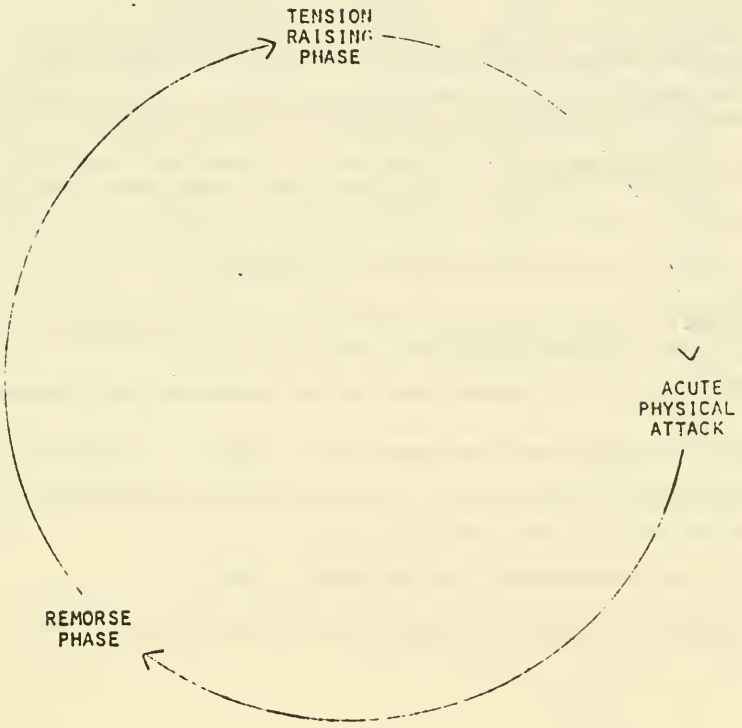
Federal Legislation can lead to an end of the war within families attempting to overcome violence in the home. It can reduce the costs we will all bear as victims eventually utilize our mental institutions, courts, jails and more costly services. We can pay now or we can pay later and later it will surely cost more. Help us pay now to save lives today.

Profile of Bonnie M. Flynn

Bonnie M. Flynn is currently the Executive Director of Women In Distress of Broward County, Inc. WID is the oldest and largest shelter for families who are victims of domestic violence in the State of Florida and has developed the status of a

"Model Shelter" under Ms. Flynn's four year leadership. She was instrumental in raising funds to support WID since its inception in 1974. She has served as Campaign Division Director for five years prior to taking over directorship at WID. Ms. Flynn received a Bachelor of Arts Degree in psychology from Florida Atlantic University. She also holds a Masters of Science Degree in Management. Among many outstanding achievements Ms. Flynn is most noted for winning the Titus Award for Management for the agency in 1981. She is listed in Who's Who in American Women, 1980. In 1982 she was voted Woman of the Year in Communications, private non-profit category in Broward County. Ms. Flynn's memberships include the United Way Executive Council, HRS Mental Health Board Area Wide Manpower Committee, Women's Advocacy Majority/Minority, Florida Association for Health and Social Services, Inc. Ms. Flynn is also the current Vice-President of the Refuge Information Network of Florida and served as treasurer in 1982. This is the shelter network organization within Florida.

CYCLE OF ABUSE



ADAPTED FROM
"BATTERED WOMEN"
BY LENORE WALKER

WOMEN IN DISTRESS

FACT SHEET

- Approximately 70% of the abused women who reside at WID are unemployed at intake; 50% of these women have been unemployed for less than six months.

- The median monthly income of the battered women in the WID program ranged from $300 to $600.

- Although job classifications vary among battered women in the WID program, over 50% stated that they fell in the clerical or domestic fields.

- Of the battered women in the WID program, 39% had been previously married, whereas 48% of their abusive spouses had been previously married.

- Of the battered women in the WID program, 50% of their abusive husbands threatened them with a weapon; 23% actually used a weapon against them.

- Most women began living with their spouses at (average) age 22.

- The men were both taller and heavier than their wives.

- 80% of battered women in the WID program had at one time of another left their batterers; the median is 3.1 times. 80% stayed away under six months. 45% went to relatives' homes.

- 80% stated that they returned because batterer repented and they believed he would change.

- 74% of the battered women were abused by their husband or ex-husband.

- The mean age of the abused women is 28.9 years; the abusers mean age is 32.

- The mean length of cohabitation is 5.7 years.

- 76% of the battered women in the WID program are white.

- The majority of battered women and abusing spouses had at least attended high school. In general, the women usually were better educated than the men.

CLIENTS STATISTICS

	Number of new Admissions		Clients held over from previous year		Total number of clients served	Total days of service
1974 (5 months)	89	+	0	=	89	862
1975	179		22		201	3,238
1976	329		30		359	5,564
1977	453		32		485	4,342
1978	889		16		905	9,583
1979	1,120		25		1,145	13,200
1980	1,231		34		1,265	15,084
1981	1,266		35		1,301	15,197
1982	1,076		35		1,111	14,721
1983 (4 months)	278		36		314	4,916

WHY DOES HE BEAT HER?

1. Mental Illness: This proportion of wife beaters is no greater than the proportion of mentally ill people in the population at large.

2. Alcohol and Drugs

3. Public Acceptance of Violence - a large segment of society accepts and glorifies physical and verbal force under the right circumstances.

4. Lack of Communication - couples who use a lot of verbal violence are far more likely to use physical violence as well.
   - Lack of communication extends beyond family. Profiles repeatedly show they lack close friends and have little contact with their neighbors.
   - Battering couples often do not communicate with their children.
   - There is a tendency to use physical discipline rather than verbal communication. This leads to a pattern of sanctioned limits of physical force.
   - Murry Straus believes that physical aggression is caused by the things people do and say to each other and not by personality traits.

5. Sex - "There is abundant evidence that sex and violence go together at least in our society."
   - Many wives report that husbands want sex afterwards. It is not clear whether the violence is sexually stimulating or whether husbands are trying to use sexual intercourse as a means of reconciliation.

6. Poor Self Image
   - "Wife beaters are often men who feel that they are less than they ought to be."
   - Feels that he doesn't measure up to society's idea of masculinity
   - Educational dropouts - from grade school to law school
   - Severe dissatisfaction with one's job
   - Earnings source of serious or constant conflict
   - These feelings (of poor self-image) often intensified if the wife has more education, comes from a "better family" or earns more money.

Taken from: Wife Beating: The Silent Crisis by Levy and Langley, E. P. Dutton, N.Y., 1977

Women In Distress of Broward County, Inc.
Crisis Housing • Aid to Battered Women and their Children • 24-hour Emergency Service
Post Office Box 676 • Fort Lauderdale, Florida 33302 • Telephone (305) 761-1133
A United Way Agency

WHY DO WOMEN STAY?

1. Fear of spouse, neighbors, friends, family, etc.
2. Promise and hope that the relationship will change
3. Poor self-image
4. Children
5. Loss of self-respect
6. Emotional dependency - while he is often violent at times he is also very affectionate and she still loves him.
7. Financial dependency
8. Feels trapped in the marriage
9. No place to go
10. Religious beliefs - many battered women have the impression it was their "lot in life to suffer" or that "this was God's plan".

(Adapted from research and literature by
Del Martin and Elizabeth Truninger)

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A BATTERED WOMAN'S BILL OF RIGHTS

She has the right not to be abused.

She has the right to anger over past beatings.

She has a right to choose to change the situation.

She has a right to freedom from fear of abuse.

She has a right to request and expect assistance from police or social agencies.

She has a right to share her feelings and not be isolated from others.

She has a right to want a better role model of communication for her and her children.

She has a right to be treated like an adult.

She has a right to leave the battering environment.

She has a right to privacy.

She has a right to express her own thoughts and feelings.

She has a right to develop her individual talents and abilities.

She has a right to legally prosecute the abusing spouse.

She has a right not to be perfect.

--Patricia G. Ball and Elizabeth Wyman

(reprinted from Victimology: An International Journal. Vol. 2, 1977-78, No. 3-4, p.550).

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901.15 WHEN ARREST BY OFFICER WITHOUT WARRANT IS LAWFUL.--A PEACE OFFICER MAY ARREST A PERSON WITHOUT A WARRANT WHEN:

(6) THE OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT THE PERSON HAS COMMITTED A BATTERY UPON THE PERSON'S SPOUSE AND THE OFFICER:

(A) FINDS EVIDENCE OF BODILY HARM; OR

(B) THE OFFICER REASONABLY BELIEVES THAT THERE IS DANGER OF VIOLENCE UNLESS THE PERSON ALLEGED TO HAVE COMMITTED THE BATTERY IS ARRESTED WITHOUT DELAY.

(FROM FLORIDA STATUTES - 1977)

either by executive order in accordance with the Disaster Relief Act of 1974 or pursuant to the Food Stamp Act of 1977.

(2) In promulgating the rules required in this section, the department shall give particular consideration to the prevention of fraud in emergency assistance programs. Such rules shall, at a minimum, provide for:

(a) Verification of an applicant's identity and address.

(b) Determination of an applicant's need for assistance and verification of an applicant's need in accordance with appropriate federal law and regulations.

(c) The timely and adequate dissemination of accurate certification information to local disaster assistance offices.

(3) In administering emergency food stamp and assistance programs, the department shall cooperate fully with the United States Government and with other departments, instrumentalities, and agencies of this state.

Laws 1978, c. 78-433, § 12, eff. July 1, 1978.

409.601 Legislative intent

The Legislature recognizes that certain persons who assault, batter, or otherwise abuse their spouses and the persons subject to such abuse are in need of treatment and rehabilitation. It is the intent of the Legislature to assist in the development of spouse abuse centers for the victims of spouse abuse and to provide a place where the parties involved may be separated until they can be properly assisted.

Laws 1978, c. 78-281, § 1, eff. Oct. 1, 1978.

Cross References

Abuse of children, see § 827.01 et seq.
Abuse of developmentally disabled persons, see § 827.09.
Assault and battery, see § 784.011 et seq.
Petition for order to restrain abusive spouse, see § 741.30.

409.602 Definitions

As used in this act:

(1) "Spouse abuse" means any assault, battery, or other physical abuse by a person upon his or her spouse.

(2) "Department" means the Department of Health and Rehabilitative Services.

(3) "Spouse abuse center" means a facility which provides services to victims of spouse abuse and which has been certified by the department to receive state funds.

(4) "Spouse" means a person to whom another person is married.

(5) "Victim" means any individual suffering assault, battery, or other physical abuse inflicted by his or her spouse, and any dependent of such individual, including a child.

Laws 1978, c. 78-281, § 2, eff. Oct. 1, 1978. Amended by Laws 1979, c. 79-402, § 2, eff. July 3, 1979.

Laws 1979, c. 79-402, § 2, redefined "spouse abuse center" and added definitions of "spouse" and "victim".

Library References

Words and Phrases (Perm. Ed.)

409.603 Duties and functions of the department

(1) It shall be the duty of the department:

(a) To establish health, safety and minimum program requirement standards for certifying spouse abuse centers to receive state funds.

(b) To receive applications for state funding of spouse abuse centers.

(c) To approve or reject each application within 60 days of receipt of the application.

(d) To distribute funds to a certified center within 45 days after approval.

(e) To evaluate annually each spouse abuse center for compliance with the minimum standards. The department shall have the right to enter and inspect the premises of spouse abuse centers at any reasonable hour in order to effectively evaluate the state of compliance of such centers with the provisions of this section and rules in force pursuant thereto.

(2) The department shall prescribe by rule the procedures by which subsection (1) shall be implemented. Without using designated center funds, the department may:

DEPARTMENT OF HEALTH AND REHABILITIATIVE SERVICES

CERTIFICATION - SPOUSE ABUSE FACILITY SURVEY REPORT

Certification and Funding
Approved _____
Denied _____

-FINAL ACTION-

Name of Facility	Street Address	City	County	State

Surveyed BY:	Surveyor's Title	Mailing Address	Phone ( )	Dat

Facility Administrator/Director

Met	Not Met	STANDARDS FOR CERTIFICATION	EXPLANATOR
		STATE OF FLORIDA DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES CHAPTER 10A-8, FLORIDA ADMINISTRATIVE CODE SPOUSE ABUSE CENTERS 10A-8.01 PURPOSE It is recognized that certain persons who assault, batter or otherwise abuse their spouses and the persons to such abuse are in need of treatment, rehabilitation and/or shelter. Assistance is offered to those centers, certified and approved for funding by the Department, which provide services and temporary shelter to the victims of spouse abuse. Minimal standards for the certification of spouse abuse centers to receive state funding and the procedures for making such application are contained herein.	
		10A-8.02 DEFINITIONS (1) Department means the Department of Health and Rehabilitative Services. (2) Spouse Abuse means any assault, battery or other physical abuse by a person upon his spouse. (3) Spouse means a person to whom another person is married, or has been married and is now separated or divorced.	

(4) Certified Spouse Abuse Center means a facility which provides services to victims of spouse abuse and which has been certified by the Department to receive State funds.

(5) Victim means any individual suffering assault, battery, or other physical abuse as inflicted by his or her spouse or former spouse. Victims of spouse abuse may include minor children or other dependents of a victim who may be sheltered with the abused spouse for support or services.

(6) Catchment Area means the portion of a county, the county, the counties or the district served by a certified spouse abuse center as specified in the center's application to be certified and as approved by the Department.

10A-8.03 CERTIFICATION

(1) Certification of a spouse abuse center shall be based upon center compliance with all established health, safety and program standards as contained herein and shall be determined through on-site observational assessment and the review of written materials submitted to the Department by the applicant facility.

(a) Formal submission of a completed application in a format approved by the Department, containing specifically identified material shall initiate the certification process.

(b) Information received by the Department in the certification process through files, reports, inspection or otherwise shall be deemed confidential information exempt from the provision of s. 119.07 and shall not be disclosed publicly in such a manner as to identify individuals or facilities.

(2) The Department shall have the right to enter and inspect the premise of a spouse abuse center at any reasonable hour to evaluate the status of compliance of such facility with the established standards for certification.

(3) Certification shall be valid in the possession of the corporation to whom it is issued and shall not be subject to transfer, nor shall certification be valid for any premises other than that for which originally issued.

(4) Re-certification shall be required on an annual basis.

		STANDARDS FOR CERTIFICATION	EXPLANA
		10A-8.04 APPLICATION PROCEDURES FOR CERTIFICATION (1) A spouse abuse center which receives and houses victims of spouse abuse shall request an application for certification through the Department of Health and Rehabilitative Services District Office which services the area in which the center is located.	
		(2) The District Office or designee will mail to the applicant, an Invitation to Bid, instructions for completion of application, program standards and budget standards or references, when Marriage License Fee Trust funds are available for contracting of spouse abuse centers.	
		(3) Instructions for formal submission of an application shall in accordance with HRSM 75-2, Contract Management System for Contractual Services, effective July 1, 1982, as incorporated by reference. A copy of this HRS Publication shall be available at no cost by writing to the Office of Revenue Management, 1317 Winewood Blvd., Tallahassee, Florida 32301. This material shall include, but not be limited to written verification of: (a) Endorsement of local law enforcement agencies; (b) Board composition of at least three citizens, one of whom is a member of a local, municipal or county law enforcement agency; (c) Twenty-five percent of facility funding being received from one or more local, municipal or county sources, public or private. Contributions in-kind, whether materials, commodities, transportation, office space, other types of facilities or personal services, may be evaluated and counted as part of the required local funding; (d) Compliance by the spouse abuse center is serving as a center to receive and house persons who are spouse abuse victims. (e) Provisions of minimum services which include, but are not limited to, information and referral services, counseling services, temporary emergency shelter for more than 24 hours, and educational services for community awareness relative to the incidence of spouse abuse, the prevention of such abuse,and the care, treatment and rehabilitation for persons engaged in or subject to spouse abuse.	

(f) The status of the spouse abuse center as a legal entity or a part of a legal entity. The spouse abuse center shall file Articles of Incorporation, with the Secretary of State's Office, in compliance with procedures set forth in Florida Statutes relating to the incorporation of non-profit and profit organizations.

(g) The purposes, programs and services offered by the spouse abuse center in a form suitable for distribution to staff clients, referral sources, funding agencies and the general public. Program and services must have direct relationship to the stated purposes as they appear in the spouse abuse center's constitution, articles of incorporations, by-laws, statutes or ordinances if the spouse abuse center must be based upon identified needs of the community in which it is located.

(4) Applications shall be reviewed for determination of compliance with appropriate health, safety and program requirement standards.

(5) Application approval shall be subject to:

(a) Compliance with provisions of Section 409.601-607, Florida Statutes and these rules.

(b) Availability of state income generated from collection of that portion of the marriage license fees designated for funding of spouse abuse centers.

(6) Final approval of application and award of funds shall be made by the District Administrator. Application shall be approved or rejected by utilizing bid procedures outlined in Chapter 13A-1, Florida Administrative Code.

(7) Application approved for certification and funding shall require negotiation and signing of a contract between the Department and facility, prior to receipt of funds, the distribution of which shall be consummated within 45 days of the date of approval.

(8) At the option of the spouse abuse center, the application form need contain only a mailing address for the spouse abuse center. In such case, the actual location of the spouse abuse center shall be described on a separate document filed with the application, which document shall specifically be subject to the confidentiality provisions of Section 10A-8.06.

ct	Met	STANDARDS FOR CERTIFICATION	EXPLANAT
		(9) All fees collected and appropriated under Section 741.10(2), Florida Statutes shall be distributed annually by the Department to each District to be utilized by those spouse abuse centers which have been certified, designated and approved to receive Marriage License Fee Trust Funds. The State shall determine and allocate a uniform base amount to each District to be utilized by each of the appropriated funds shall be allocated by the State in the same proportion as the number of marriage licenses sold in the center's catchment area compared to the total number of licenses sold statewide. The number of marriage licenses used for these calculations shall be that number sold in each spouse abuse center's catchment area for the most recent year for which such figures are available from the Bureau of Vital Statistics.	
		10A-8.05 STANDARDS FOR CERTIFICATION (1) Administrative Components: The business and administrative management of the spouse abuse center shall be under the management control of the spouse abuse center administrator/director, whose responsibilities will include, but not be limited to, assuring adherence to the following policies/practices: (a) Each spouse abuse center shall manage its financial affairs in accordance with standard accounting practices, legal requirements and the guidelines and regulations as deemed applicable to the operation of the Spouse Abuse Program, and shall retain all financial records, supporting documents, statistical records, and any other documents for a period of five years. After termination of a contract, or if an audit has been initiated and audit findings have not been resolved at the end of five years, the records shall be retained until resolution of the audit findings. (b) The spouse abuse center shall maintain current, accurate and complete case records and other reports and statistics, in keeping with good operational practices and the requirements so specified by contract and regulations contained herewith, in such form as to permit programmatic evaluation by authorized Department personnel.	

Not	Met	STANDARDS FOR CERTIFICATION	EXPLANATI
		(c) A formalized annual report shall be submitted to the Department by the spouse abuse center, within ninety (90) days of the close of each contract period (October 1), which demonstrates the utilization of recognized evaluative techniques for on-going evaluation of the effectiveness of existing program and service structure, deficits found in said program and service structure, recommendations for corrective action through program modification or expansion, community involvement, resource development or any other area which impacts significantly upon the program and service delivery of the spouse abuse center. The annual report will cover the previous contract period and will consist of the following components: 1. History of spouse abuse center; 2. Clients being served; 3. Unique need being met; 4. Operational procedures; 5. Detailed description of services provided; 6. Staffing; 7. Program needs and goals; and, 8. Summary.	
		(d) The spouse abuse center shall employ competent and qualified staff to provide the services essential to the achievement of program goals and client needs. 1. Minimal spouse abuse center staffing, whether paid or volunteer, shall consist of one full-time administrator/director and one full-time equivalent counselor and one full or part-time bookkeeper. 2. The administrator/director can serve in a dual capacity if administering related programs as described in the Articles of Incorporation. 3. A professionally trained and experienced masters level clinical social worker, psychologist or person otherwise qualified in the field of mental health, or a person with two years experience in the field of spouse abuse, shall provide orientation and on-going, regularly scheduled in-service training to non-professional staff and/or dependents; this person shall be available for emergency consultation when needed.	

Not	Met	STANDARDS FOR CERTIFICATION	EXPLANATI
		4. Staff can be salaried or volunteer or a combination thereof. 5. Employment will not be denied to any person on account of race, religion, national origin or sex.	
		(e) The spouse abuse center shall establish clearly define written intake policies and procedures. 1. Intake policies shall be disseminated to all potential referral sources. 2. Services will not be denied to any person on account of race, religion, national origin, or sex. 3. Any category or categories of potential clients not eligible for admission into the program must be stated clearly in the intake policies and procedures; for example, substance abusers. 4. Prospective clients ineligible for admission to the spouse abuse center and their referral sources shall be informed of the reason for their ineligibility and any contingency plans made in their behalf, to include arrangement with or referral to other agencies for said services. 5. Program goals and the services offered by such spouse abuse centers shall be discussed with the individual client prior to admission to the shelter or service program.	
		(2) Program Components: (a) The spouse abuse center shall serve as a center to receive and house persons who are spouse abuse victims and shall have established procedures pursuant to which persons subject to spouse abuse may seek services on a voluntary basis.	
		(b) The spouse abuse center shall have information and referral systems established to clearly identify resources which are relevant and essential to the successful conduct of the Spouse Abuse Program. Victims and dependents will be referred to	

Met	Met	STANDARDS FOR CERTIFICATION	EXPLANATI
		any public or private facility, service or program appropriate to need and ability to pay, to include prompt referral of those obviously suffering from physical injury or apparent medical problems.	
		(c) The spouse abuse center shall provide counseling services to the victims of spouse abuse and their dependents. 1. Counseling services shall be provided or supervised by individual(s) who meet the professional qualifications as outlined in Section 10A-8.05. 2. A service plan shall be developed with each client receiving services which will include the written formulation of mutually agreed upon goals and outlined plans for realization of said goals within a specified time frame; completion of such a plan will not be required for the shelter victim housed less than forty-eight hours. 3. Individual case records located at the spouse abuse center shall be maintained on a current basis and shall include: a. Identification data; b. Reports from referring sources, if available; c. Pertinent case history; d. Service plan where appropriate, inclusive of but not limited to statements of problems and goals; e. Documentation of referrals for services to other agencies; f. Evaluation or progress reports; g. Correspondence pertinent to client; h. Signed release of information forms, where appropriate;	

Met	Met	STANDARDS FOR CERTIFICATION	EXPLANATI
		i. Current employment data; j. General information pertinent to the individual client; k. Departure/exit summary; l. Follow-up status; m. Closing summary.	
		4. Spouse abuse center staff shall develop procedures for evaluation of client's progress toward goals regularly scheduled staff conferences, formal or informal, shall be utilized to review the client's progress.	
		5. Staff coverage by counselors at the spouse abuse center location, shall be maintained between the hours of 6:00 A.M. and 12:00 A.M. with on-call counseling staff coverage to be maintained between 12:00 A.M. and 6:00 P.M., exclusive of non-trained volunteer staff.	
		6. Spouse abuse centers which offer counseling services to non-shelter victims shall maintain established business hours, which are made known to the community at large.	
		(d) Spouse abuse centers shall provide educational services for promotion of community awareness relative to the incidence of spouse abuse, the prevention of such abuse, and the care, treatment and rehabilitation of persons engaged in or subject to spouse abuse to include, but not be limited to: 1. Active participation in community planning, interagency planning councils, the provision of orientation and training programs developed for law enforcement officers and paraprofessionals who work with spouse abuse victims to assist such persons to deal effectively with incidents of domestic violence and spouse abuse. 2. Participation in and/or conduct programs of public information, utilizing appropriate forms of communication such as the news media, brochures, speaking engagements, etc., to encourage understanding, acceptance and support of its program(s).	

Met	Met	STANDARDS FOR CERTIFICATION	EXPLANATIO
		(e) Spouse abuse centers shall provide temporary emergency shelter for more than twenty-four hours: 1. Provision of shelter shall be time limited in nature as distinguished from that which is perpetual or indefinite in duration. 2. The need for shelter shall be determined by documentation of the existence of an emergency status as rendered by complicated circumstances which necessitate immediate action to ensure protection from physical harm, the above referenced "immediate action" shall include the exodus from one's usual place of residence. 3. Provision of shelter shall be contingent upon the need for protection and will be available for periods inclusive of and in excess of 24 hours.	
		(f) Any spouse abuse center which provides child care in accord with the definition found in Chapter 10C-10.02, Florida Administrative Code, shall conform to the child care facility standards provided therein.	
		(3) Physical Plant: (a) The physical facility to be used as a spouse abuse center shall be either so constructed or renovated, as well as adequately equipped and located, as to promote the most efficient and effective operation possible in achieving program goals.	
		(b) The spouse abuse center shall meet the minimal electrical, plumbing, sanitation, building, zoning, life safety and other applicable codes of the governmental jurisdiction in which the facility is located.	
		(c) For initial certification only, certificate of approval signed by local authorized zoning, building and electrical agencies, based upon inspections not more than sixty (60) days prior to the date of filing shall be attached to the application. Those spouse abuse centers which have pre-established schedules with local regulatory agencies for annual re-inspection/certification may submit written documentation of the results of such inspection/certification held within the past calendar year.	

Met	Not Met	STANDARDS FOR CERTIFICATION	EXPLANATION
		(d) Spouse abuse centers shall have annual fire and sanitation inspections: 1. Each spouse abuse center shall conform to applicable State fire safety standards as contained in the National Fire Protection Association, Life Safety Code (1976 edition), Chapters 1, 2, 3, 4, 5, 6, 7 and 11, as incorporated by reference in Chapter 4A-28.15, Florida Administrative Code, Department of Insurence. The Life Safety Code (1976 edition) referenced herein can be obtained on a loan basis through the local Fire Marshal's office or District Fire Safety Coordinator. 2. Each spouse abuse center shall conform to applicable State health and sanitation standards as specified in Florida Administrative Code. 3. Failure to satisfy and maintain all health and fire standards, as deemed appicable, as referenced in this section shall constitute grounds for denial of certification, de-certification and/or withholding of funds.	
		(e) The physical structure of the spouse abuse center shall allow flexibility in sleeping accommodations for adults, children and infants; the privacy of the individual shall be respected with single family unit accommodations to be provided whenever possible.	
		(f) The spouse abuse center shall be equipped with telephones for client and staff usage.	
		(g) Each spouse abuse center shall take basic precautionary measures to secure the safety of the residents; for example, window and door locks in good repair, outside and entrance way lighting, arrangements for additional support from local law enforcement or any measures particular to the location of the spouse abuse center.	
		4. Certification shall be contingent upon satisfaction of all requirements stipulated here within; failure to maintain said standards shall constitute grounds for de-certification and/or withholding of funds.	

Met	Met	STANDARDS FOR CERTIFICATIONS	EXPLANATI
		10A-8.06 CONFIDENTIALITY (1) Information received by the Department or authorized persons employed by or volunteering services to a center through files, reports, inspections, or otherwise shall be deemed confidential information and shall not be disclosed publicly in such a manner as to identify individuals or spouse abuse centers. This information is exempt for the provisions of s. 119.07.	
		(2) Duly authorized departmental employees and representatives of the Department shall have access to a spouse abuse center, its location, the records pertinent in operation of said spouse abuse center, the records of clientele served and any other information necessary to assure compliance with the law and these rules.	
		(3) All such information shall be confidential and shall be treated as confidential records by the Department. Measures shall be employed to safeguard information identifying center location and client population with access to be granted to Department employees only upon establishment of the need and right to know.	

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STATEMENT OF BONNIE FLYNN, FORT LAUDERDALE COALITION FOR WOMEN IN DISTRESS, FORT LAUDERDALE, FLA.

Ms. FLYNN. Good morning.

Mr. MURPHY. Good morning.

Ms. FLYNN. I want to thank you for the opportunity of being here this morning. I want to tell you that in Broward County we have over 600 cases of spouse abuse reported each month, which according to the FBI statistics, really only represents 1 in 10 that actually occur. We have a little over a million people in Broward County. I represent a crisis shelter called Women In Distress. I am the executive director. It is the only shelter in Broward County that exists for that population of a little over a million.

What we provide there is the crisis shelter, not only for the women and the children, but we also are trying to provide for the battering person special counseling in another location within our community. We have been in existence for almost 10 years, the oldest and the largest shelter in Florida, serving 54 people at any one time.

Our problem is that we do not have enough funding from our local level, even though we have struggled for years and we have maintained and even grown, despite that fact. But, in order to provide the kind of systematic approach to this problem which covers all members of the family, we do need this additional funding.

The pilot project for the battering person ended about a month ago because the funding for that was ended. We did find some success in this program because both parties involved in the domestic violence scene were able to come back together to learn how to change their behaviors in that relationship so that it wouldn't occur again.

I think the child care center that we provide there intervenes in the cycle of violence by dealing with the problems that children who have witnessed violence in the family have to struggle with, because we know that the cycle of violence is perpetuated from generation to generation as a matter of a learning model. And so, here again, with the children we intervene in that cycle.

The cycle, according to Dr. Lenore Walker, includes first of all, that tension-building stage between the batterer and the other person involved, the tension building to the acute stage of the battering itself, and finally, the remorse stage when the person who has been battering feels remorse and indicates that it will never happen again. But, indeed, it usually does happen again and again, and worse.

Women in distress is the program in our community that serves this population and we have been most fortunate in having not only the State levels of funding but the local county, the United Way, and so forth, to support the service. Without that kind of local support, shelters couldn't continue.

We find that in the State of Florida, the Spouse Abuse Trust Fund which comes from marriage license fees, gives us the necessary funding but not in the amount which we would need to really attack this problem. We feel that if, from the Federal level, domestic violence is a priority that is set for funding, and given the appropriate funding from the Federal level, our State, the State of

Florida, could manage that money to be distributed to the shelters in Florida, of which we have about 20. And this would increase for us the ability to overcome the problem in our State.

I brought with me this morning someone who probably can speak better to this issue, someone who was a victim of spouse abuse, and someone who would be able to share with you what it has meant to her to go through a rehabilitation program where people are able to change their lives and to not be dependent on our services in the community. And that is Susan Hansen.

[The prepared statement of Susan Hansen follows:]

PREPARED STATEMENT OF SUSAN HANSEN, FORMER BATTERED WOMAN

I am delighted to have this opportunity to be here with you today and to share with you my story for millions of women who cannot be with you today. In our society we assume that our homes will be a place of refuge, a place of nourishment, a place of love. Unfortunately, I spent eleven years in a home and a marriage where none of the above applied. It became a battleground, a place where I feared for my life and my children's. As we travel throughout the United States talking about spouse abuse, I am asked over and over again why anyone in their right mind would stay for eleven years. First of all, I would like to say that there are many, many variables to this problem, but it seems, unfortunately, that I happen to be almost typical because as we share with other women that have been battered by spouses we find that there are a lot of things that run true to form in our situations. Number one, I did not really have any job skills and I had small children. My children on the day that I decided we had to get out in order to survive were ages two, three, seven and ten. Unfortunately, I was financially dependent upon my husband, as well as terribly emotionally dependent on my husband. I was raised to get married once, to stay married, and to work out any problems that might occur in the marriage. Because I was raised with that attitude I thought that love was the only answer. If I love better, that if I loved with all my abilities, I might be able to change the situation around. I stayed with the eternal "I, the optimist" hoping that love indeed would change my situation. Unfortunately, I really believed that I loved him. As a matter of fact, I loved him more than I loved myself. It turned out to be a love that was not a healthy love. It was a desperate, dependent love that actually festered like an open wound. On top of being emotionally and financially dependent, I also believed that staying with the father of these children would be better than the children having no father at all. It would be a healthy place for my children to be with their father. I have learned since that there are many, many wonderful single parent families that exist throughout the United States that go on to raise very healthy children. Finally, the abuse took a spiral affect. It started occasionally, every once in a while, usually preempted by the fact that he had been drinking. I knew that Friday nights were a difficult time for him and would also be difficult for the family because that's when he got paid and seemed to be when he stopped for a few drinks before he came home. In the beginning that was my troubled spot. Near the end as the spiral grows smaller and smaller the abuse reoccurred on a daily basis, always peppered with verbal abuse. He constantly reminded me that I was no good, I was not a good mother, I was not a good wife, I was not a good housekeeper, I ended up with absolutely no self esteem, no self respect, and as little dignity as a human being could possibly have. I clung to the relationship with absolute terror until the abuse began to perpetrate its self upon my children. I think all the times that I was abused I felt that I deserved it. I had taken on tremendous guilt in the situation and always thought that if I was a better mother or wife he might not always be so angry. But as I watched my children become innocent victims of his violence and his anger, I realized that the abuse must have been within him. The children did not deserve the batterings that began to occur almost on a daily basis. Sometimes my children would be catapulted across the porch for entering the wrong door, or beaten until their noses would become bloody or sometimes whipped until the welts on their back became almost visible through their blouses. I realized that I probably could do very little to change the violence or the anger that seemed to be very much a part of this man. Then one night I decided to try to turn our lives around. Although I didn't know I had any options I realized in order for me and my children to survive we would have to literally escape and run for our lives from the man I seemed to love more than anything else in the world.

I remember looking back at one incident. We were waiting for my husband to come home because our daughter was a cheerleader for the city Football Team. They had a Mommie and Daddie Night. Unfortunately it was a Friday night and when my husband returned home he was extremely drunk and very, very angry; just angry because we were there I think, more than anything else. And that night, in an attempt to kill me, he had thrown a knife that barely missed me and then barely missed my seven year old daughter. It stuck ominously in the wall of our home. It was at that particular point in time that I realized that the tears I would cry after something permanent, some sort of disfigurement that would take place with my children, would be tears that would be shed too late. I realized that night I would have to make a move. He went out to the store to buy some more beer. I bundled four children in the back of our station wagon and took off to drive around my city of Fort Lauderdale that night. I didn't know where to go, whom to turn to. I did have a mother; she was a resident of Fort Lauderdale but she had been dragged through living hell with me for eleven years and I did not want to involve her for her safety's sake. I can't really tell you there was a single friend who would want to become involved when my husband's violent nature had been quite well known, especially among my neighbors and with four children there was no option I knew of. Early that morning I showed up at a friend's house who had been listening to a radio broadcast where the Executive Director of Women in Distress had been talking. My friend jotted down the phone number, knowing full well my situation. At that particular point in time, it seemed like the only avenue of hope that was left for me. I sat down at her breakfast table and dialed a number. I had no idea who I was even calling. At that particular time I'm sure the angel of the Lord answered the phone on the other side. I was told that I was going to be alright. For the first time in eleven years I felt that just maybe there was some truth in that statement. The children and I didn't know where we were going but by 10 o'clock that morning we were in the arms of friends. They nurtured us and let me lean on them until I was able to stand on my own two feet. I was rehabilitated to put myself back out into the community as the stong head of a household, not only to continue to rehabilitate myself, but to perhaps to teach my children love really was the answer. This time it was a healthy kind of love, that nurtures and provides shelter and comfort. Thanks to WID and United Way I am alive today and so are my children. We are happy, we are healthy, we are proud to be part of the United States where this kind of help exists for people that are in desperate need and desperate states. I thank you for your time, for your kindness and for your caring.

PROFILE OF SUSAN HANSEN

Susan Hansen, a former battered woman is now a volunteer Board Member of Women In Distress. She is currently employed with United Way of Broward County as Speaker's Bureau Chairperson and Associate Campaign Director. In addition she owns two franchises of Slim-U Motivation Clinics. She has shared her story nationally with millions of viewers on the Richard Simmons and the Gary Collins shows. She is able to give hope to women across the country who seek lives without violence.

STATEMENT OF SUSAN HANSEN, FORMER BATTERED WOMAN

Ms. HANSEN. Good morning.

Mr. MURPHY. Good morning.

Ms. HANSEN. I'm delighted to have this opportunity to share with you my story on behalf of the millions of women that can't be here with you today. When I say "millions," please don't take that lightly, because that's really what we are dealing with.

Unfortunately, I spent 11 years in a home—we often think of the home as being a place of refuge, love, nourishment. I spent 11 years in a home where none of that existed at all, and it's interesting as I travel through the United States sharing my story on what happened to me, I am overwhelmed at the response that I'm getting from women, and it really is a twofold sword for me, for the simple reason that I would just as soon I wasn't hearing the kind of response I am.

When I went to do the Richard Simmons Show, we were getting 200 letters a week, women that had been in a problem for 27 years, 32 years, 14 years, 8 years, women whose life actually has become a battleground in the home that should be all those wonderful things to us.

First of all, it kind of scares me that I've become typical, because nobody really wants to think that there is ever a typical battered spouse. That scares me half to death when I think about it. It was difficult to deal with my own problems but now with the magnitude of what's happening, we're in an epidemic proportion.

I know in Broward County, with 600 calls a month, it's really a terrifying situation.

First of all, I'd like to share with you why I stayed. After all, when your bones are broken and your hair is pulled out and you've been burnt with cigarettes, by the person that you love most in the world, you do begin to doubt your own sanity and wonder why on earth would I stay.

I did doubt my own sanity and for a long time I really thought that I was absolutely nuts. But I want to share with you why I stayed. First of all, there are a lot of variables, but most of all, women usually have small children, very little job skills—I was one of those nice Irish Catholic kids raised to believe that you got married once and stayed married and if there were problems in the marriage you worked them out and you stayed there.

I even had gone to my priest at one time and he said exactly those words: "Susan, go home and make it OK." Susan went home. I tried for 11 years to make it OK.

First of all, it seemed that the violence was ever-present in him, but drinking opened the door just like letting a caged animal out. So often drinking was the first step to the violence. But not absolutely necessary.

I think that as mothers we're all right. I always blame myself for all the situations. I took all the abuse and really felt that I deserved it. I think I'd like to alleviate for the battered woman at least the guilt part of it.

It was some time after the abuse began that I began to understand it was really something in him. My convictions were further confirmed when the abuse began to perpetuate itself to my children. They were being hurt in a battleground and they were absolutely innocent victims. The abuse not only began to include them; there were bloody noses and welts on their backs and they were being catapulted across a room and their lives began to be in danger also. And I think back often, on the night that I knew that in order for myself and my four children to live, we had to get out.

But one of the reasons that I stayed is that I didn't know I had any options. After all, when you have four kids nobody's particularly thrilled to see you come and visit anyway. But when you have four kids and a husband that's known to be absolutely nuts with violence, there are really very few places to go. My mother is a resident of Fort Lauderdale in a one-bedroom apartment, and she'd been through my hell with me for 11 years and I didn't want to involve her, for her safety's sake.

The night that it happened that I decided that we had to go on living was the night when we had a mommy-daddy deal over at the

football field where I was to meet with my husband. We were to participate in the school activity with—my daughter who was a 7-year-old cheerleader, and it was a Friday night. Friday nights, in the beginning of the abuse syndrome, were the night I had to deal with because he got paid and would be drunk and that's really how it started. But violence spirals.

In the beginning maybe it happened once a month. By the end it happened on a daily basis, always peppered with verbal abuse.

He had come home that night and he was extremely inebriated and very, very angry, I think almost angry just because we were there. My daughter was there in her cheerleading uniform and, in his anger, he attempted to kill me by throwing a knife at me, which barely missed me, barely missed her, and stuck ominously in a wall right behind her head.

He went back out to get more to drink, and at that particular point in time all the reasons I had stayed, financial dependency, emotional dependency, I loved him, I cared about him, my religion, my family, all the things that were really so important to me, didn't even matter. Because now I knew we had to live. I bundled four kids, they were 2, 3, 7, and 10, into a car. I had 35 cents and two cans of tunafish and I had no idea where I was going.

I look back now and wonder why I took the tunafish, but I know as a mother I figured we'd live through the night, you know.

I drove around Fort Lauderdale. I had no idea what my options were, absolutely none. In the morning hours I stopped to visit a friend of mine who worked for Southern Bell. And she said, "You know, Susan," she said, "last night I was listening to a radio program and the executive director for a shelter here in Fort Lauderdale was on and there's a place for you to go and they'll take care of you."

Well, I think after 11 years there was absolutely no doubt in my mind that that wasn't true. But I sat trembling at her coffee table and made the phone call. I know the angel of the Lord answered the phone on the other end, and I knew that they understood the minute they asked me if I needed hospitalization. Then I knew that they understood the magnitude of the problem. Then I knew that they understood that my life was in danger, that my arms had been broken, that my flesh had been burned by the man that I loved, they understood that perhaps I needed to go to the hospital.

They told me I'd be all right. And I knew somehow that I would be.

By 10 o'clock that morning, myself and four children, were in a shelter with counselors waiting to help me. We were fed; we were clothed; we were protected. And for that first night this mother had a restful sleep. It had been a long time since I had a safe space.

Interestingly enough, through their rehabilitating of me, they put me on my feet, they put me back out into Broward County as a useful citizen. I now have my own business. I am the head of the Speaker's Bureau for the United Way. I have been invited and am an active member of the board of directors for Women In Distress. I think only in America can you go from "battered to the board". I think that that's really what it's all about. It's saving lives.

We are in an epidemic and unless people begin to understand that I am typical—it's happening over and over again. I am getting 10 calls a day at the United Way and that's really not even my job but people saying, "I saw you here, I saw you there. Please help me. I need to get out and I have nowhere to go. I have no money. I have nobody that will help me. Everybody's afraid of my husband. My childrens' lives are in danger. We need help. Thank you for caring."

Mr. MURPHY. Thank you very much.

Mr. Deane. Is there a Mr. Deane? Oh. We have separate—they're not all together? OK, OK.

OK, well, I do have one or two questions, if I might, Ms. Flynn. Where did your funds previously come from?

Ms. FLYNN. Where did the funds come from previously?

Mr. MURPHY. Yes. You mentioned that funds are being cut. Did you get some Government funding before?

Ms. FLYNN. Yes. We did get CETA funding of $125,000. In 1980 that was cut.

Mr. MURPHY. Did you get direct funding from CETA?

Ms. Flynn. Through the Broward Employment——

Mr. MURPHY. Through the county employment training?

Ms. FLYNN. Right. And that was half of our staff that was lost as a result of that. Plus we had LEAA funds and that was about $30,000 that we lost there. So, we've made up those differences from the community contributions plus asking for some additional moneys from funding sources that we had as well.

Mr. MURPHY. Is your staff back to normal or has it——

Ms. FLYNN. What we have done is that we've not really come back to the full staff level. We have only 11 staff for the 7-day-a-week operation, 24 hours a day, and so what we do is we supplement those people with volunteers. But it's not enough for the kind of qualified care that we really need to be providing.

Mr. MURPHY. Where does your funding come from now?

Ms. FLYNN. Now it comes from the United Way of Broward County, Broward County Commission, Mental Health Board, the Criminal Justice has a small amount for the new child project, and the mental health board.

Mr. MURPHY. Is the President correct, then, that the funding will be handled locally, that there's adequate funding on the local level and the Federal Government shouldn't get involved?

Ms. FLYNN. No, that's not quite accurate. There isn't enough money on the local level because when I have to go back this year and ask for $10,000 additional dollars from each one of those sources just to make up my deficit, they're going to say no, because they don't have it.

Mr. MURPHY. OK, thank you. I just wanted to ask Susan one question. What was the length of your duration in the shelter, Susan?

Ms. HANSEN. About 6 weeks.

Mr. MURPHY. About 6 weeks?

Ms. HANSEN. Yes.

Mr. MURPHY. Is that a little longer than the normal stay in a shelter? Most of the ones I've visited are of a shorter duration than 6 weeks.

Ms. FLYNN. Can I speak to that? I don't know what it is elsewhere. I know that in our program the objectives and goals are set by the people who come in and the very first day they arrive. Sometimes it takes 6 weeks for them to be able to come up with a full month's rent, let's say, plus deposit for them to move into their own apartments. And as long as they're making those objectives and working toward accomplishing their goals, we will maintain them at least for 6 weeks.

Ms. HANSEN. I didn't even have a job. I had to find a job. And then I think we all know, first and last security. You know, that sort of thing. Especially feeding four children.

Mr. MURPHY. Yes. Did you finally, then, get a day care center to help you when you went to work?

Ms. HANSEN. Yes, and that was very difficult. Fortunately now, right there in the shelter, we do have day care. But at that particular point in time where to put my children was a real, real problem and it seems to be, as I visit with most of the women now, one of the major concerns. They have legal problems. Money for legal problems to help them is a problem and how to handle their children and their housing. It's really a problem. There is really nowhere for them to go.

Mr. MURPHY. OK. Thank you very much.

Ms. FLYNN. Thank you.

Mr. MURPHY. We appreciate your coming and testifying.

We'll have Ms. Susan Kelly-Dreiss, accompanied by her former victims, and would ask you, Ms. Kelly-Dreiss, if you could wait a few minutes while I run over and cast my vote on a great, important issue and I might pick up a colleague or two and bring them back. We will have an 8-minute recess.

[Brief recess.]

Mr. MURPHY. I apologize for the interruption. We have a full committee meeting downstairs and many of my colleagues are down there holding my proxy while I run between the floors. They will be up, we hope. We have a vote in full committee, very shortly, and then we'll have our other members join us.

OK. You may proceed.

STATEMENT OF SUSAN KELLY-DREISS, EXECUTIVE DIRECTOR, PENNSYLVANIA COALITION AGAINST DOMESTIC VIOLENCE, HARRISBURG, PA.

Ms. KELLY-DREISS. Thank you. Good morning. My name is Susan Kelly-Dreiss, and I am executive director of the Pennsylvania Coalition Against Domestic Violence. Our organization represents 40 shelters and hotlines who have been assisting victims of domestic violence since 1976.

I appreciate this opportunity to tell you what we are seeing and learning about domestic violence. The situation is alarming. While there has been progress in establishing some services for victims in the United States, much more needs to be done. We are seeing victims in life-threatening situations who are waging daily battles in their struggle to protect themselves and their children.

During the past month one of our shelters in Pennsylvania reported that two women who couldn't get into shelter immediately when they called were killed in their home.

We know that women have traveled from 100 to 200 miles to get to the safety of the shelter. Recently one woman hid under the porch at her home for 2 days until a friend could come and take her to a shelter.

A victim who is battered lives in terror. The abuse is often physical. She may be punched, hit, choked. She may have broken bones, internal injuries, or scars. She may be threatened with guns, knives, pipes. Once started, abuse escalates in frequency and severity and may end in serious injury unless steps are taken to stop it.

We are talking about crimes of murder, manslaughter, aggravated assault, forcible rape, simple assault, and harassment. These are serious crimes which involve over 2 million married women a year in the United States. According to accepted research, one out of every six couples in this country experiences violence in their homes yearly.

The National Institute of Mental Health reports that physical violence occurs between family members more often than it occurs between any other individuals or in any other settings except for wars or riots.

For the victim and children of violent homes, the most immediate and pressing need for assistance is for safety and support. To date, there are between 600 and 700 shelters and hotline programs throughout the country that offer shelter, supportive counseling, victim advocacy, and court accompaniment.

The use of these programs is staggering. There has been a steady increase in the calls and requests for shelter. In Pennsylvania, for example, in 1981 we served 18,243 victims. In 1982 we served 26,374. With other States that we have talked, their statistics have also increased.

Local domestic violence programs tell us the severity of the violence is increasing as well. They point to more referrals to hospitals and medical facilities. In a recent survey by the National Institute of Justice, they report that two-thirds of the violence, domestic violence cases they saw, sustained injury.

Over the past 2 years, the Pittsburgh shelter documented the number of homicides of battered women in Allegheny County who had not come into shelters. Twenty-five women were killed who had not come in. Two of those had gone to court and had restraining orders issued by the court at the time of their death. Even with the protective order, these women were not safe.

Yet, as devastating as the problem has been, the number of resources available to assist battered women has decreased in the past 3 years. In particular, on the Federal level, many of the programs which have helped us in the past have been reduced or totally eliminated. These include LEAA and CETA, which was mentioned, Community Services Administration, VISTA, and ACTION, and the Community Development Block Grant.

Some States have designated funds for domestic violence services but not all States. Even in States where there has been support, such as Pennsylvania, the funding levels are inadequate. We have limited numbers of shelters with limited space and limitless re-

quests. The results are the ever-present turnaways. For example, in New York City 85 out of 100 women are turned away from shelters for lack of space. In Philadelphia every week 100 women are turned away from the shelter.

In Pittsburgh last year 565 women were sheltered and 585 were turned away from the shelter.

These programs are also operating on budgets that are just too low, $15,000 a year for some of them and an average daily cost in our State, for some of them, for shelter, of $17 a day. This compares with programs such as child welfare who are sheltering children for over $100 a day, or drug and alcohol programs that have per diems of $75 a day.

The reason the domestic violence programs have survived is that they have staff who are dedicated to work for very low pay and they have many unpaid staff, the volunteers, who have given freely of their time. Last year in Pennsylvania we met the contract obligations that we have with the department of public welfare by having 300,000 volunteer hours of service to match the other components of our work.

But the volunteer capacity has been stretched to its limit.

Victims of domestic violence in the United States need the support of the Federal Government, joining with States, local governments, and the private sector. Our coalition urges you to consider legislation which will financially support programs in our local communities and that will consider the safety of victims and their children as its first and highest priority.

We, who are the grassroots community-based programs, need this help urgently. We also know that this kind of local community-involved program is cost-effective and, what's more, it works. The British Government recently published a report from a followup study of battered wives and this study indicated that the shelter program was the only helpful response for victims in rebuilding their lives. I think the best testimony to that can be Gloria Whetstone, who has come with me today.

Ms. WHETSTONE. Good morning.

Mr. MURPHY. Good morning.

STATEMENT OF GLORIA WHETSTONE, A FORMER VICTIM

Ms. WHETSTONE. I'm a former battered woman. My name is Gloria Whetstone. I want to thank you for the opportunity to present this testimony. Unless you've experienced abuse, you may not understand the fear of being beaten, the pain for days after, the shame and the sense of hopelessness felt by many battered women and their children.

For my husband, drugs and alcohol became the excuse, not the cause, for the violent outbreaks. My children and I were victims of cruel mental and physical abuse for hours. My husband would pull me around the house, screaming, by my hair, screaming, yelling, slapping and kicking me in the presence of my children.

He was unpredictable. At one minute he would be calm. The next minute he would be screaming and yelling and blaming us for all his failures in life.

He would threaten to break parts of our bodies, arm or legs, to kill us if we called out for help to neighbors or police. It was on May 29, 1 week after attending a funeral of a friend that had threatened to leave her husband. She was found by her children. She had been cut to death with a machete. My children and I left our home.

Like Susan said earlier, we had no money, no place in mind to go, only the clothes on our backs. We walked the streets that day for hours. It was a community legal center that gave us information about shelters in the city and later on that evening we became residents at Women Against Abuse.

Peace is what I had prayed for for a very long time and peace is what the women's shelter offered me. As Susan said earlier, I found most women within the first night in the shelter to be able to sleep. This was a most important thing, the most precious gift anybody can offer.

The shelter gave me a chance to reflect on my past life experiences. I began to set goals for myself. My husband had always put me down and told me that I was incapable of making decisions and functioning, doing normal things, simple things in life. I found out that I could.

The shelter on the weekends gave GAC courses. I took a GAC course at the shelter. They taught us to fill out résumés, did role plays on how to negotiate with realtors on maybe talking down the 2 months security. When I left the shelter I turned in my résumé and I'm now employed by Women Against Abuse.

Hundreds of calls come in our hotline. Some women just need to talk. Some women need legal advice. I remember receiving phone call, a few months back, from a woman who needed shelter, I remember the evening I was on we didn't have space. About a week later a coworker at the legal center called me and she read to me from a newspaper the last events of this woman's life.

My children receive a great deal of support from other battered women's children. There is a therapist who was available to them. They were able to express things to her that they hadn't been able to share with me.

My children have a better understanding and are more sensitive to the issue, and I think it's only because of our experience in the shelter. We've grown closer as a family unit.

My story and Susan's are so similar. We each have four children. It's a story that I hear daily from many other women. Basically it's the same thing.

I can't—I don't think that there are words to express the hell of living in a home with a man that is violent, that is vicious, to be punched, to be humiliated, and degraded. I don't know how effective our testimony will be today. But I'm here for all of the sisters that I know may lay their heads on their beds at night beaten, being beaten, in fear.

Thank you.

Mr. MURPHY. Thank you very much, Mrs. Whetstone. How long were you in the shelter, Gloria?

Ms. WHETSTONE. I was in the shelter 30 days. I filed for a protection order. I received the protection order with eviction, temporary custody of my children. I waited until that evening and left the

shelter. My husband was to have left my home. That evening when I returned my husband had taken all the light bulbs out of my house. My children and I were inside. He was out. We had no way of getting out to get light bulbs. It was in the summer. I nailed my windows and all through that night we sat by the windows in terror calling the police constantly that did not honor that protection order.

My children were not accustomed to being in total darkness. We always left a nightlight on for them. We had no lights. I called the shelter and I returned the day after. I finally found a police officer that would detain him for a few hours to give us the opportunity to get away. I went back to the shelter. I stayed for about 6 weeks. I had to relocate. I had to accumulate enough money to make a deposit on a place.

Mr. MURPHY. Ms. Kelly-Dreiss, you mentioned that in 1982 your number of visitors at the shelter had increased to 26,000 people. Is that your all-time high?

Ms. KELLY-DREISS. Well, the 26,000 are the ones that we had reported to us. It's not the all-time high in terms that other programs were sheltering people and were not reporting that to us, and in addition, we have not concluded our data collection for this year, and that figure will be increased for 1983, so its been increasing steadily. It will go up for the current year.

Mr. MURPHY. Well, does that lend credence to the President's contention that we can best deal with this matter on the local level and that the Federal Government should not get involved? The statistics are that you're increasing your number of people you're taking care of.

Ms. KELLY-DREISS. Definitely not.

Mr. MURPHY. How do we counter that argument? What do we say?

Ms. KELLY-DREISS. Well, I think this country has been very generous to people who are in disasters. If there's a flood, if there is some disaster in another country, I think we are very generous about supporting those people who are victims of whatever their crisis is at the time, and I think it's time that our Federal Government responds to battered women who are in as much a disaster as those who are suffering from floods or storms or whatever.

Mr. MURPHY. When we had a more effective CETA and VISTA program, how much were you able to take advantage of those? Did you fund some of your staff with CETA?

Ms. KELLY-DREISS. Yes. CETA was very helpful. Many of our programs funded up to half of their staff with CETA workers.

Mr. MURPHY. How many shelters are in Pennsylvania?

Ms. KELLY-DREISS. Right now there are 45 programs that are running and of those 45, 36 of them are shelters.

Mr. MURPHY. When someone comes that you turn away, first, why do you turn them away? No room, no beds?

Ms. KELLY-DREISS. That's the only reason. There is just no space for them. Oftentimes the programs, the shelter will try to make some other arrangements, if that's possible. They'll call the closest shelter, usually, and find out if they can take them there. But as a rule, they're all full.

Mr. MURPHY. What do you do or what do you advise the people to do then? Obviously, if you're seeking shelter, it's the last resort. But what do you do with them?

Ms. KELLY-DREISS. We ask them if there is someplace that they can go for a night. Usually there's a turnover in the shelter so that they can get some safety for one night or two nights. Then they can come into the shelter. But we try to make some alternative arrangements.

[Additional material follows:]

Pennsylvania Coalition Against Domestic Violence

2405 NORTH FRONT STREET • HARRISBURG • PENNSYLVANIA 17110 • PHONE 233-6030 or 1-800-932-4632

RECOMMENDATIONS FOR FEDERAL LEGISLATION

1. A "Domestic Violence Prevention and Services Act" that would support services for victims of domestic violence is urgently needed.

2. The definition of "domestic violence" recommended:

   "threatened or actual abuse committed by a person against another person to whom such person is or was married or otherwise legally related or against another person with whom such person is or was residing in a relationship of husband and wife, or related by consanguinity, affinity, or joint residency."

3. Purpose - to increase the participation by states, local public agencies, local communities, non-profit private organizations, and individual citizens to provide immediate shelter and other assistance for victims and dependents of victims of domestic violence.

4. Grants Authorized - The Secretary of Health and Human Services would be authorized to make grants to states for the establishment, maintenance, and expansion of programs and projects to prevent incidents of domestic violence and to provide immediate shelter and other assistance for victims of domestic violence and their children.

   Funds would be distributed by the states to non-profit private organizations and local public agencies.

   Funds would be provided with special emphasis to support community-based projects of demonstrated effectiveness, particularly projects which operate shelters and/or counseling centers for victims of domestic violence and their children.

5. Allotment of Funds - Appropriations would be allocated accordingly:

1984	$50 million
1985	$60 million
1986	$70 million

6. Confidentiality - It is important for the safety of the victim that records maintained in connection with the provision of domestic violence services and shelter addresses be confidential and not subject to review and subsequent disclosure of the court.

MEMBERSHIP

Domestic Abuse Project
Delaware County

Women In Transition
Philadelphia

Women Against Abuse
Philadelphia

Laurel House
Montgomery County

A Woman's Place
Bucks County

Turning Point of Lehigh Valley

ACCESS-York, Inc.

Lancaster Women Against Abuse

Berks County Women In Crisis

Women In Crisis
Harrisburg

Women In Need
Chambersburg

Women's Center, Bloomsburg

Woman's Aid Center
Hazleton

Domestic Violence Service Center
Wilkes-Barre

Women's Resource Center, Scranton

Abused Persons Forum
Schuylkill County

Clinton County Women's Center

Wise Options for Women
Williamsport

Women's Resource Center
State College

Hospitality House for Women
Erie

Horizon House, Union City

Rape Crisis Center of Mercer County

Volunteers Against Abuse Center
Zelienople

Women's Services, Inc./
The Greenhouse
Meadville

Women's Help Center, Johnstown

Women's Center of Beaver County

Women's Center and Shelter
of Greater Pittsburgh

Alle-Kiski Area HOPE Center
Tarentum

Women's Services
of Westmoreland County

7. Non-supplanting Clause

   Because the funding for domestic violence services is so limited, we recommend a "non-supplanting" clause. This clause would preclude states and local governments from using federal dollars to supplant the funds that are currently expended for domestic violence programs.

8. Local Match

   If local match is mandated by Congress, we recommend that it not exceed 25% of the federal dollar amount.

As presented for the Subcommittee on Select Education, June 23, 1983

Pennsylvania Coalition Against Domestic Violence

2405 NORTH FRONT STREET • HARRISBURG • PENNSYLVANIA 17110 • PHONE 233-6030 or 1-800-932-4632

FACT SHEET

* One woman battered every 18 seconds.

  - FBI Reports -

* Reports that 2 million married women per year in the United States are battered.

  - Murray Strauss (Behind Closed Doors: Violence in the American Family) -

* Established that one out of every six couples in the United States experience domestic violence every year.

  - Gelles, Steinmetz and Strauss, Researchers -

* 25% of the police killed in the line of duty were responding to a "domestic"; 40% of those injured were also responding to a domestic.

  - FBI Reports -

* 65% of reported homicides are acts between family members.

* This study released in April, 1983 reveals that more than two-thirds of the victims in non-stranger cases sustained injuries, . . . and almost 40% involved guns, knives, bludgeons or other weapons.

  - National Institute of Justice Study of Domestic Violence Cases -

* During 1981/82, the domestic violence programs of the PCADV documented that 8862 persons had to be turned away from shelter due to lack of space.

* Only 1 in 10 cases of spousal abuse is ever reported to the authorities.

  - Office of Domestic Violence -

MEMBERSHIP

Domestic Abuse Project
Delaware County

Women In Transition
Philadelphia

Women Against Abuse
Philadelphia

Laurel House
Montgomery County

A Woman's Place
Bucks County

Turning Point of Lehigh Valley

ACCESS-York, Inc.

Lancaster Women Against Abuse

Berks County Women In Crisis

Women In Crisis
Harrisburg

Women In Need
Chambersburg

Women's Center, Bloomsburg

Woman's Aid Center
Hazleton

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Abused Persons Forum
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Women's Help Center, Johnstown

Women's Center of Beaver County

Women's Center and Shelter
of Greater Pittsburgh

Alle-Kiski Area HOPE Center
Tarentum

Women's Services
of Westmoreland County

* "The incidence of wife assault is so pervasive in this society that half of all wives will experience some form of spouse-inflicted violence during their marriage, regardless of race or socio-economic status."

  - National League of Cities and the U. S. Conference of Mayors -

* "One-fifth of all Americans approve of slapping one's spouse on appropriate occasions . . . Surprisingly, approval of this practice increases with income and education . . ."

  - National Commission on Causes and Prevention of Violence -

* A study of 600 couples filing for divorce found that 36 percent of women gave physical abuse as the reason for ending their marriages. Another 48 percent of the couples in the study said violence had been chronically recurring throughout their marriage.

  - George Levinger Study -

* A study conducted in Chicago, on "Police Response to the Domestic Violence Disturbance" concludes that police receive more calls involving family conflicts than for all other criminal incidents, including murders, rapes, non-family assaults, robberies and muggings combined.

  - Raymond Parnas Study -

Compiled for the Subcommittee on Select Education, June 23, 1983

Mr. MURPHY. OK, thank you. And now, Mr. Deane?
[The prepared statement of John S. Deane follows:]

PREPARED STATEMENT OF JOHN S. DEANE, ACTS/TURNING POINTS, PRINCE WILLIAM COUNTY, WOODBRIDGE, VA.

Mr. Chairman and members of the subcommittee, I would like to thank you for the opportunity to address you this morning on the problem of Domestic Violence.

I am here today not only as a person working in a Domestic Violence Program, but also as a former batterer. I am presently the Men's Program Coordinator of Turning Points, the Domestic Violence Program of ACTS in Prince William County, Virginia.

Throughout my presentation today you will hear me refer to the battering victim as "he" and the battered victim as "she." It is important to know that the female in the relationship can also be the batterer and the male the battered victim. The battering that goes on in domestically violent homes is done in four forms. They are Physical Battering, Sexual Battering, Psychological Battering and the Destruction of Property. The physical and sexual battering consist of a wide range of behaviors which include aggressive behavior done by the abuser to the abused person's body. While the psychological battering and the property destruction is not done to the abused person's body it is directed at her and has the same effect on her psychologically as the physical and sexual battering.

Before going into the extent and severity of Domestic Violence and the type of assistance which is needed for its victims, I would like to fill you in briefly on my background.

I was raised in a domestically violent home. As a child I witnessed abusive behavior between my parents, my brothers and sisters, as well as being on the receiving end of child abuse. I learned early in my life that acting out my anger and frustrations violently achieved control for me over the situation and other people. I carried this behavior into my adulthood and marriage. I would resort to hitting my wife when I felt I was losing control over her or a situation with her. I did not like hitting my wife, but knew no other alternative to releasing my anger or other feelings.

After nine years of living with this battering, my wife left me. She joined Turning Points for help in getting out of a domestically violent situation. It was when my wife left me that I decided that I needed to change my violent behavior and needed help in doing so. I contacted Turning Points and entered their program. It was in Turning Points that I learned that there were constructive alternatives to releasing my anger and frustations other than in a violent way.

Violence is a learned behavior. This behavior is learned as a child, especially if the parents exhibit such behavior. Control is a key issue in Domestic Violence. The batterer is often insecure and extremely emotionally dependant on his partner. He needs to feel secure in his partner's dependency upon him for such things as support, both monetary and emotional; thus, her job, friends and social life can be a threat to him.

Violence and the threat of violence are used by the batterer to reduce the level of stress and to control or punish others around him. Historically, the family unit seems to be a "safe place" to be violent. It is a place of strong emotions and privacy where society is not supposed to interfere.

For centuries it was not illegal for a man to beat his wife, in fact, it was encouraged. Even though wife beating is now illegal in this country attitudes are slow to change. Police departments continue to treat "wife beating" as a family dispute and not the crime that it is. According to statistics "wife beating" occurs three times as often as rape and is the single most unreported crime in this country. Five years go it was estimated that one in five families were involved in Domestic Violence. Today, it is estimated that one out of every two families experience some form of Domestic Violence.

The violent behavior is reinforced by the momentary relief of stress and the resulting control over persons and situations. The batterer shall maintain control over others because of their fear of future violence.

Men have been raised in this society to deny their feeling verbally but to express themselves in physical ways. As a result, frustrations and anger are often expressed through violent behavior.

Just as violence is learned it can be unlearned. It is hard, however, for an individual, once he has made a commitment to change, to deal with stressful situations in other ways because violent behavior produces such immediate results and is in many ways encouraged by the lack of response from the community.

All the victims of Domestic Violence; the battered, the batterer, and the children caught in the middle need help. They need our help, both yours and mine.

I can help by continuing to work with batters, helping them find alternatives to their violent behavior. I can and will continue to educate the community on the severity and extent of the problem and try to muster their support.

You as leaders of our country can help in many ways. You can aide existing Domestic Violence programs and future programs financially assisting State and local government in funding programs. For example, Virginia has increased the marriage license fees and uses this increase to aide in supporting Domestic Violence programs. Turning Points received a sizable amount from the State which will be disbursed to us over the next fiscal year. After that there is no guarantee that anymore money will be available to us. The State was not able to give funds to all the Domestic Violence programs in the State. Some of the programs had to close their doors while others are just barely staying open. Federal funds would increase the monies available to keep programs working.

You could also encourage Federal and private agencies to set up programs to aide their employees. This could not only help them with their private lives but also help their work performance.

Additionally, you could also encourage the Military to provide Domestic Violence programs to service personnel and their families.

These are just a few suggestions on how you can help with this severe problem. When you are considering what legislation would best address these needs, please keep in mind, that the goals are not only to help the battered victims, and the battering victims, but the long term goal is to end the generational nature of battering. By doing so, in the future it will not be one out of two families experiencing violence from within, but, one in ten or one in a hundred and possibly less than that.

Thank you for this opportunity to voice not only my opinion but that of many other people both caught up in the middle of Domestic Violent situations and those working to decrease the problem.

STATEMENT OF JOHN DEANE, ACTS/TURNING POINTS, PRINCE WILLIAM COUNTY, WOODBRIDGE, VA.

Mr. DEANE. Thank you, Mr. Chairman.

I come before the committee to address you this morning to the problem of domestic violence.

I am here today not only as a person working in the domestic violence program, but also as a former batterer. I am presently the men's program coordinator of Turning Point, a domestic violence program of ACT in Prince William County, Va.

Throughout my presentation today you will hear me refer to the battering victim as he and the battered victim as she. It is important to know and keep in mind that a female in the relationship can also be the batterer, and the male the battered victim.

The battering that goes on in domestic violent homes is done in four forms. They are: Physical battering, sexual battering, psychological battering, and the destruction of property. The physical and sexual battering consists of a wide range of behaviors which include aggressive behavior done to the abused by the abuser.

While the psychological battering and the property destruction is not done to the abused person's body, it is directed at her—excuse me—and has the same effect on her psychologically as the physical and sexual battering.

Before going into the extent and severity of domestic violence and the type of assistance which is needed for its victims, I would like to fill you in briefly on my background.

I was raised in a domestically violent home. As a child I witnessed abusive behavior between my parents and between my brothers and my sisters, and was on the receiving end of child abuse. I learned early in my life that acting out my anger and frus-

tration violently achieved control for me over the situation or other people.

I carried this behavior into my adulthood and marriage. I would resort to hitting my wife when I felt I was losing control over her or the situation with her. I did not like hitting my wife, but knew no other alternative for releasing my anger and my feelings.

After 9 years of living with this battering, my wife left. She joined Turning Point for help in getting out of the domestically violent situation. It was when my wife left that I decided that I needed to change my violent behavior and needed help doing so. I contacted Turning Point and entered their program. It was in Turning Point that I learned that there were constructive alternatives to my behavior and releasing my anger and frustration, other than in a violent way.

Violence is a learned behavior. This behavior is learned as a child, especially if the parents exhibit such behavior. Control is the key issue in domestic violence. The batterer is often insecure and extremely emotionally dependent on his partner. He needs to feel secure in his partner's dependency upon him for such things as support, both monetary and emotional. Thus, her jobs, friends, and social life can be a threat to him.

Violence and the threat of violence are used by the batterer to reduce the level of stress and to control or punish others around him. Historically, the family unit seems to be a safe place to be violent. It is a place with strong emotions and privacy where society is not supposed to interfere.

For centuries it has not been illegal for a man to beat his wife. In fact, it was encouraged. Even though wife-beating is now illegal in this country, attitudes are slow to change. Police departments continue to treat wife beating as a family dispute and not the crime that it is. According to statistics, wife-beating occurs three times as often as rape and is the single most unreported crime in the country.

Five years ago it was estimated that one in five families were involved in domestic violence. Today it is estimated that one out of every two families experiences some form of domestic violence.

The violent behavior is reinforced by the momentary relief of stress and the resulting control over other persons and situations. The batterer shall maintain control over others because of their fear of future violence.

Men have been raised in this society to deny their feelings verbally but to express themselves in physical ways. As a result, frustrations and anger are often expressed through violent behavior. Just as the violence is learned, it can be unlearned. It is hard, however, for an individual, once he has made a commitment to change, to deal with the stressful situations in other ways because the violent behavior has produced such immediate results. And it is in many ways encouraged by the lack of response from the community.

All the victims in domestic violence, the battered, the batterer, and the children caught in the middle, need help. They need our help, both mine and yours.

I can help by continuing to work with the batterer, helping them find alternatives for their violent behavior. I can and will continue

to educate the community in the severity and extent of the problem and to muster their support.

You, as a leader in our country, can help in many ways. You can aid existing domestic violence programs and future programs financially, assisting State and local governments and funding programs.

For example, Virginia has increased the marriage license fees and uses this increase to aid in supporting domestic violence programs only.

Turning Point has received a sizable amount from the State which will be disbursed to us over the next fiscal year. After that there is no guarantee that any more money will be available to us from the State.

The State was not able to give funds to all the domestic violence programs that existed in the State. Some of the programs had to close their doors and others are just barely making it.

Federal funds would increase the money available and keep the programs working. You could also encourage Federal and private agencies to set up programs to aid their employees. This could not only help the employee with his private life, but also help his work performance.

Additionally, you could also encourage the military to provide domestic violence programs to service personnel and their families.

These are just a few suggestions on how you can help this severe problem.

When you're considering what legislation would best address these needs, please keep in mind that the goals are not only to help the battered victim and the battering victim, but the long-term goal is to end the generational nature of the battering. By doing so in the future, it will not be one out of two families experiencing violence from within, but 1 in 10 or 1 in 100, possibly even less than that.

I want to thank you for the opportunity to voice my opinion and that of many other people, both caught in the middle of the domestic violence, and those working to decrease it.

Mr. MURPHY. Thank you, Mr. Deane.

May I ask you, Mr. Deane, did your wife ever seek refuge in a domestic violence shelter or center?

Mr. Deane. She went to the shelter. She didn't stay.

Mr. MURPHY. She didn't stay?

Mr. DEANE. No.

Mr. MURPHY. Did you have children?

Mr. DEANE. Yes, sir. Two.

Mr. MURPHY. I might ask anyone, including Ms. Flynn, prior to 1981, we had an Office of Domestic Violence existing within the Department of Health and Human Services. Were any of you in contact with that Office? Did it provide any technical or other assistance to you? It has now been abolished. I just wonder whether or not it is missed.

Ms. FLYNN. Yes; it is missed.

Mr. MURPHY. It's missed. Did you have contact with it, Ms. Flynn?

Ms. FLYNN. Yes; I did and frequently we would call upon them for technical data and advice.

Mr. MURPHY. Did they provide that information to you then?

Ms. FLYNN. Yes; they did. It's on a global basis too so that we could find out what was going on in the rest of the country in terms of the laws coming out, funding, and that kind of thing, plus other kinds of programs, and it was extremely valuable.

Mr. MURPHY. Are there any such services at all from Health and Human Services now or any Federal agency?

Ms. FLYNN. Not that I'm aware of.

Mr. MURPHY. We have no system of correlating any Federal information back and forth or statistics existing?

Ms. FLYNN. I think what we're doing is through the shelter networks, I think we ourselves are trying to do that. But it is still somewhat splintered because we are so far apart and there isn't funding to pull that network together in a focal point.

Mr. MURPHY. It seems to me that would be a big drawback, not having the resources to coordinate it.

Ms. FLYNN. Yes.

Mr. MURPHY. A Federal program or even an exchange of ideas or statistics.

We have been unable to find statistics here lately ourselves.

Ms. FLYNN. Yes.

Mr. MURPHY. Mr. Deane, you're involved with attempting to curb the abuse by counseling abusers; is that correct?

Mr. DEANE. Yes, sir.

Mr. MURPHY. What's your success rate, and is that strictly an outpatient type situation or do you take the abuser and do you house them? How do you actually counsel them and what's your success rate?

Mr. DEANE. The men's program in Turning Point has two parts to it. There is an advocacy program where an advocate is assigned to the client as he comes into the program and stays with him throughout the program. The program is openended, I might add.

There is also a support group for batterers that meets once a week.

The success rate for the men's program on severity and frequency is in the high 90 percent. The success rate on ending the battering, for the 2 years that we've been involved in the program, is 90 percent.

Mr. MURPHY. Do you know of any other Turning Point structures anywhere else in the country? Are you in concert with any others? Do you know of any others that attempt to get to the core of the problem?

Mr. DEANE. There are several other programs throughout the country. In the State of Virginia, I believe Turning Point is the only one that has the program set up for all of the victims within the violent situations.

Mr. MURPHY. It seems to me both Virginia and Florida have a very good idea in taking the marriage licenses and actually establishing a direct funding for the shelters.

We'll try to encourage that for the other 48 States, as well as our own program.

Ms. Flynn, in yours, now, you have a different statistic, apparently. Ms. Kelly-Dreiss in the Pittsburgh area seems to show an increase in the number of admissions to her program and you show,

from 1981 and previously, 1980, a decrease in 1982. Is that because you have less—are there less victims? Are there community programs? Why? It just seems to me your statistics are dropping now.

Ms. FLYNN. I realize that's rather unique, in light of everything else.

What has happened is that in our community and in this particular program the quality of the service and realizing that it takes at least 6 weeks for the woman to really get together what it is that she wants to accomplish, be it the apartment in the community, getting a job.

But this 6 weeks period of time prevents other women from coming into that slot as quickly, so that we have a turnaround that takes longer, and so we have a waiting list.

Mr. MURPHY. Have you established, any of you, an outpatient type counseling, to make up for the loss of shelter space?

Ms. FLYNN. Yes. We do have that in our community in coordination with a local university and the psychology department, where they are giving clinical expertise. So, we have this kind of an outpatient basis.

Mr. MURPHY. Who do you counsel on your outpatient basis?

Ms. FLYNN. All members of the family, the battered woman, her spouse as well, and the children. Because we feel that there's a systems approach.

Probably the greatest benefit to our taking them and giving the 6 weeks period of time is that the return rate for women who have been in our program is less than 5 percent. This can be attributed to the quality of care they got while they were there and the new skills that they learn.

Mr. MURPHY. How about your return rate in the other, Ms. Dreiss?

Ms. KELLY-DREISS. It's been low. I think, although we do have a 30-day limit on many of our programs, I think our return rate has been something like 1 out of 25 who will return to the program.

That could be, though, a similar situation. We do have ongoing support groups and, in some programs, they do followup support groups. So, there's still an ongoing system and network that's there for battered women.

Mr. MURPHY. How's your relationship with the police forces today? Do they cooperate with you?

Ms. KELLY-DREISS. It's very spotty. In some cases some police departments are very cooperative and some particular police are very cooperative. But we have seen a great need for both police training and for departmental policy in terms of how to respond to a domestic.

Ms. FLYNN. In our community we've been very forceful in taking to the police a training program and we now, out of the 29 municipalities in Broward County, have trained police officers in at least 10 of those municipalities, and so they work very closely with us and the videotaped training that we give presents the right and the wrong way to approach a domestic violent situation. And it does save them time and effort too, because one of the calls that they get the greatest number of is the domestic call.

So, we're helping them, really, to stay on the street dealing with the situations which are of a different nature.

Mr. MURPHY. Fine. OK. I want to thank you very much and, again, apologize. I want to say when I went over on that last roll-call, five of my colleagues on the subcommittee all inquired what was going on, and said as soon as the full committee is over they will be joining us, and they are extremely concerned, and that's why we have scheduled these hearings.

I want to thank you very, very much for coming long distances to Washington and bringing the story to us. Thank you very much.

I'm going to run downstairs now and cast my vote in the full committee on the immigration bill and then we'll have the next panel, Ms. Sandra Crawford of Gladwyne, Pa., accompanied by Ms. Mary Ginn and Mr. Charles Gentry of Knoxville, Tenn., will take the witness chair, and I shall return in 3 or 4 minutes.

[Brief recess.]

Mr. MURPHY. OK. Let's get going before I go for another vote.

[The prepared statement of Sandra Crawford follows:]

PREPARED STATEMENT OF SANDRA CRAWFORD, PUBLIC POLICY CHAIRMAN, THE ASSOCIATION OF JUNIOR LEAGUES, INC.

I am Sandra Crawford of Gladwyne, Pennsylvania, Chairman of the Association of Junior Leagues' Public Policy Committee and a past president of the Junior League of Philadelphia. Accompanying me is Mary Ginn, a member of the Junior League of Washington, D.C., who is a volunteer at My Sister's Place, a shelter for victims of domestic violence in Washington, D.C. The Association of Junior Leagues is an international women's voluntary organization with 243 member Leagues in the United States, representing approximately 148,000 individual members. Junior Leagues promote the solution of community problems through voluntary citizen involvement, and train their members to be effective voluntary participants in their communities. The Association's commitment to the improvement of services for women and children is longstanding. Junior League volunteers have been providing services to women and children since the first Junior League was founded in 1901. In the 1970's, the Association and individual Junior Leagues expanded their activities to advocate for legislation and administrative changes directed at improving the systems and institutions which provide services to women and their families.

The Association has been on record since 1981 as a supporter of federal legislation that would provide funds to assist state and local communities in developing programs aimed at preventing domestic violence and providing technical assistance, training, and services related to domestic violence. In May 1983, the delegates to the Association's Annual Conference unanimously reaffirmed the following position statement:

"The Association of Junior Leagues is committed to eliminating domestic violence by supporting programs and legislation designed to understand the problem, assist and protect the victims, and work effectively with the abusers."

Junior Leagues in all parts of the United States carry out this commitment by providing funds to support programs addressing domestic violence in their communities, by providing volunteer service, and by engaging in public affairs activities supporting domestic violence legislation. In 1981–82, Junior Leagues were involved in 46 domestic violence projects, to which they had contributed more than one million dollars and 447 volunteers. (A listing of these Junior Leagues and their financial and service contributions is included as Attachment I.) In addition, Junior Leagues have encouraged the Association to support domestic violence legislation. Junior Leagues responding to a 1982 survey regarding public policy issues stated that the Association should give high priority to legislation "providing funds for programs aimed at assisting domestic violence victims and their abusers." More than 200 Junior Leagues also belong to the Association's legislative network on domestic violence.

SELECTED JUNIOR LEAGUE DOMESTIC VIOLENCE PROJECTS

The projects related to domestic violence that are supported by individual Junior Leagues and State Public Affairs Committees (SPACs) indicate the type of programs that we believe can best address the problem of domestic violence.

In Billings, Montana, the Junior League worked with the Salvation Army and other community groups in helping to set up Gateway House, a "safe house" for battered spouses. A large house, accommodating 12 to 14 women, was purchased in a residential section of Billings. A hotline was set up and counseling services were offered. A full-time director was hired, and volunteers and student interns from Eastern Montana College assisted with the program. State funds were provided from the state's marriage license surcharge, which is allocated to domestic violence services.

The Junior League of Milwaukee began working with the local Task Force on Battered Women, Inc. in 1977, and helped to produce the film "Domestic Violence, the All-American Crime." As reported in the Summer 1982 edition of the Junior League Review:

"An unusual feature of the coalition was that funding came not only from Milwaukee businesses, foundations, and women's groups, but also from the distant Junior Leagues of Detroit; Washington, D.C.; Wichita; Cleveland; Philadelphia; Racine; Morristown; Birmingham, MI; and Kansas City, MO. The Leagues all pulled together at the request of the Milwaukee League to implement a significant project in a program area of mutual interest."

In addition to the film, the Milwaukee collaborative effort resulted in the creation of a manual which reports on strategies and model programs for ending abuse.

In 1974, the Junior League of Washington, D.C. began working on the problem of domestic violence, providing funding to the Women's Legal Defense Fund's Task Force on Abused Women. At that time, although the city's Citizen's Complaint Center had received 10,000 complaints related to domestic violence, there were no services or shelters available for battered women and their children. An article in the summer 1982 Junior League Review reports that, in response to these problems and needs:

"The task force initiated a weekday hotline for abused women to call for crisis assistance, support or referral information. But what if the victim were beaten on Saturday night—where was she to go? With the financial and volunteer support of the Junior League and other local organizations, the task force expanded the service by opening My Sister's Place in January 1979 to provide a safe house and round-the-clock hotline service.

"Since then, the Junior League of Washington, D.C. has awarded annual grants to cover staff salaries and other operating expenses. This year [1982], the League has supported the shelter by supplying over 96 volunteer hours per week."

Since 1974, the Junior League of Washington, D.C. has given more than $125,000 to the project. Almost $16,000 of this was designated for children's programs at the shelter.

The Junior League of Lubbock, Texas, played a lead role in developing Women's Protective Services, Inc., which has operated in Lubbock since 1982. The Lubbock shelter has provided services to approximately 260 children. For this reason, staff of the shelter believe that more attention needs to be paid to children not only because they too are victims of battering and violent settings, but also because intervention with children is essential if the cycle of violence is to broken in the future.

Similarly, the Domestic Violence Intervention Alliance of Dallas, Inc. (DVIA) an alliance in which members of the Junior League of Dallas are volunteering and to which the League has pledged $200,000, supports the need for more children's services DVIA is one of five shelters selected by the National Center on Child Abuse and Neglect (NCCAN) to establish a pilot program to address the needs of abused and neglected children. Of the approximately 400 children the alliance serves annually, 55 percent of the children are reported to be physically abused, 12 percent are sexually abused, and 38 percent are neglected. The staff and volunteers at the shelter emphasize that, if attention is not paid to these children today, it is likely that they will grow up to view violence and battering as acceptable behaviors tomorrow.

The Lubbock and Dallas, Texas projects further urge that more funding and support be provided for walk-in clinics and follow-up services. DVIA reports a temporary reduction in violence among many persons served at its outreach center which was developed, in part, as a response to the center's waiting list which averages 80–100 families at any given time. While such walk-in services may be only stop-gap, they can provide a woman and her children with temporary relief while more permanent or long-term solutions are sought. An additional factor in the importance of walk-in outreach services by DVIA is that the population seeking walk-in assistance is more economically diverse than that found in the shelter. Accordingly, staff and volunteers at DVIA believe that walk-in services provide important support to women who would not choose—or could not qualify for—residential assistance at the shelter itself. In addition, both projects report that follow-up services are often

critically important in assisting women and children to make a successful transition from the shelter to more permanent non-violent settings.

The need for funding to enable programs to work with the abusers was emphasized by DVIA, the Lubbock, Texas, shelter, and a shelter in Birmingham, Alabama, with which the Junior League of Birmingham has been active. In fact, the Lubbock project reports receiving calls from batterers asking for help. The personnel at all these projects emphasize that some families may be successfully reunited in a non-violent environment if programs are able to work with the abuser while providing support and sanctuary for the mother and her children.

PUBLIC AFFAIRS ACTIVITIES RELATED TO DOMESTIC VIOLENCE

Many Junior Leagues also have supported legislation at the state and local level which would provide funding for domestic violence programs. For instance, the Junior League of Washington, D.C. and the six Junior Leagues in Virginia supported the passage of legislation in Virginia and Prince Georges County, Maryland, which provided funds for domestic voilence programs by increasing the fees on marriage licenses. The New York State Public Affairs Committee, representing the 21 Junior Leagues in New York State, is supporting similar legislation which is currently before the New York State legislature. Three Junior Leagues in Alabama—Birmingham, Mobile and Montgomery—also supported passage of a marriage license surcharge to be used in assisting victims of domestic violence. In addition, the Junior League of Washington, D.C. supported legislation which will provide more legal protections for victims of domestic violence in the District of Columbia.

RECOMMENDATIONS FOR LEGISLATION

The problems addressed by the Junior League projects on domestic violence are not new. Study after study documents the existence of the problem. As Representative Mario Biaggi (D-NY)—a member of this subcommittee—noted in the Congressional Record of March 17, 1983, domestic violence is a longstanding problem which affects not only women and children, but elderly persons and, contrary to popular belief, men.

Although the incidences of domestic violence have increased during periods of economic decline such as in the 1981-82 recession, the problem existed long before and will linger long after the recession ends. Federal leadership is necessary to bring the urgency of this problem to the forefront of public attention.

Many will say that domestic violence is a community problem and must be resolved at the community level. We agree, to a point. Private and local sources have provided the major funding for domestic violence programs and services. As we have pointed out, many state and local organizations, including Junior Leagues, are working in their communities to solve this problem. However, we do not believe that the Congress of the United States should turn its back on this issue. We urge this subcommitee to make a beginning, to give the problem of domestic violence national attention by bringing legislation to the floor of Congress which will state unequivocally that we must begin to deal with the problem of domestic violence at the national level. We believe that the following elements should be considered in developing legislation:

1. The federal government must play a role in directing attention to the problem of domestic violence and in encouraging and enabling states and localities to develop domestic violence prevention and services programs. The provision of financial incentives must be a part of this national role.

2. Funded programs should address the needs of women, children, the elderly, and men. They should be required to develop services to help children who have witnessed family violence and to provide counseling to abusers. However, priority should be given to stopping the violence and providing protection for the abused and their children.

3. Community non-profit organizations should be encouraged to play a key role in providing services.

4. Every state should be required to develop a plan to address this problem—even if it does not provide services—just as every state must develop plans for providing child protective services.

Because of our belief in the need for federal leadership on this issue, we supported—and continue to support—H.R. 1397, legislation introduced by Representatives George Miller (D-CA) of this subcommittee, Barbara Mikulski (D-MD), and Lindy Boggs (D-LA), and H.R. 73 sponsored by Representative Biaggi. These bills, identical to the conference version of the domestic violence legislation approved by the House of Representatives in the 96th Congress, would provide a total of $65 million over a

three year period to states for programs designed to prevent domestic violence and provide shelter for domestic violence victims and their dependents.

This subcommittee played a key role in developing domestic violence legislation in the 96th Congress. We urge you to continue that leadership today by developing legislation that can provide assistance to states and communities in effectively identifying and developing programs to prevent family violence and assist those who are victims of that violence. We commend you for holding hearings on this important and sensitive issue, and urge you to work to ensure that legislation is enacted to begin to deal with this serious problem

Thank you for the opportunity to appear before you today to present the Association's position on domestic violence.

SUMMARY

The Association of Junior Leagues urges the Subcommittee on Select Education to approve legislation that would encourage state, local and community activities to prevent domestic violence, assist the victims of domestic violence, and work effectively with the abusers.

I. The Association of Junior Leagues:

A. International women's voluntary organization.

B. 243 Junior Leagues; approximately 148,000 individual members in the United States.

C. Promotes the solution of community problems through voluntary citizen involvement, and trains Junior League members to be effective voluntary participants in their communities.

II. Junior Leagues place high priority on legislation aimed at preventing domestic violence:

A. Delegates to the Association's Annual Conference in May 1983 reaffirmed for the third time a position statement on domestic violence.

B. Junior Leagues, as reported in 1981–82 Project Summaries, contributed more than one million dollars and 447 volunteers to domestic violence projects.

C. Junior Leagues in several states supported legislation that would provide funds for domestic violence legislation by increasing the marriage tax.

D. Individual Junior Leagues urged Association support of federal domestic violence legislation in a 1982 survey.

III. Needs for domestic violence legislation as identified by Junior League projects:

A. Shelters for victims and their dependents.

B. Programs for Children at the shelters.

C. Outreach programs.

D. Programs to aid abusers.

IV. Federal leadership needed:

A. To provide funds that can serve as seed money for establishment, maintenance and expansion of shelters.

B. To identify model programs and assist in disseminating information about them.

C. To highlight the magnitude and urgency of the problem.

ATTACHMENT I

JUNIOR LEAGUE DOMESTIC VIOLENCE PROJECTS—1981–82

Junior League	League volunteers	League funds contributed
Albany, Ga	6	$1,500
Amarillo, Tex	5	35,000
Baton Rouge, La	6	58,000
Billings, Mont	4	5,000
Birmingham, Ala	17	28,000
Bristol, Tenn.-Va	11	13,256
Cedar Rapids, Iowa	8	1,212
Charlottesville, Va	2	5,200
Colorado Springs, Colo	10	
Columbia, S.C	15	33,000
Corpus Christi, Tex	5	9,725
Dallas, Tex		150,000

JUNIOR LEAGUE DOMESTIC VIOLENCE PROJECTS—1981–82—Continued

Junior League	League volunteers	League funds contributed
Dayton, Ohio	15	37,930
Durham, N.C		26,000
Fairmont, W. Va	5	425
Fairmont, W. Va	19	
Fort Worth, Tex	12	22,549
Fresno, Calif	10	6,000
Grand Rapids, Mich	6	21,000
Greensboro, N.C	10	37,500
Hamilton-Burlington, Ont	2	1,000
Jackson, Miss	14	5,440
Kansas City, Mo	11	62,577
Lexington, Ky	20	15,705
Longview, Tex	12	12,500
Los Angeles, Calif	7	30,000
Lubbock, Tex	5	15,000
Morristown, N.J	2	1,200
New York, N.Y		
Northern Westchester, N.Y	11	15,750
Oakland-East Bay, Calif	5	17,500
Owensboro, Ky	5	25,000
Peoria, Ill	18	12,000
Poughkeepsie, N.Y	20	2,000
Raleigh, N.C	5	29,649
St. Petersburg, Fla	1	40,000
Savannah, Ga	50	28,900
Sioux City, Iowa	15	
South Bend, Ind	14	35,579
Stamford-Norwalk, Conn	7	3,167
Tampa, Fla	5	7,500
Toledo, Ohio	14	19,980
Tuscaloosa, Ala	5	15,000
Tyler, Tex	6	28,000
Tyler, Tex	1	750
Waco, Tex	2	5,000
Washington, D.C.	24	99,699
Total	447	1,020,193

STATEMENT OF SANDRA CRAWFORD, CHAIR, PUBLIC POLICY COMMITTEE, ASSOCIATION OF JUNIOR LEAGUES, GLADWYNE, PA.

Ms. CRAWFORD. Thank you. I'm Sandy Crawford, I am past president of the Junior League of Philadelphia and currently on the board and Chairman of the Public Policy Committee for the Association of Junior Leagues.

The association is a women's international voluntary organization with 148,000 members in 243 leagues in the United States.

With me is Mary Ginn, and that is Ms. and not Mr., who is a member of the Junior League of Washington and a volunteer at My Sister's Place, a domestic violence shelter here in Washington, D.C.

The Association of Junior Leagues has been on record since 1981 as a supporter of Federal legislation which provides funds to assist States and local communities in developing programs aimed at pre-

venting domestic violence and providing technical assistance, training, and services related to domestic violence. Junior leagues throughout the United States are providing funds to support programs addressing domestic violence in their communities, providing volunteer service, and engaging in public affairs activities, supporting domestic violence legislation.

In 1981–82, junior leagues were involved in 46 domestic violence projects, contributing more than a million dollars and 447 volunteers. Junior leagues have identified domestic violence as a high priority for the association and have asked us to advocate for programs aimed at assisting domestic violence victims and their abusers.

The type of programs that we believe can best address the problems of domestic violence are those in which leagues are involved in their communities.

I will give you some examples. In Billings, Mont., the Junior League, with the Salvation Army and other community organizations, have set up Gateway House, a sanctuary for battered spouses. They have a hotline and provide counseling services. They are staffed by a full-time director and also have volunteers and student interns. They are funded by the State, using the marriage surcharge tax, which provides the dollars for domestic violence programs in that State.

The Junior League of Milwaukee produced a film titled "Domestic Violence: The All-American Crime," with a local task force on battered women. It was funded by local businesses, foundations, as well as Junior Leagues throughout the country, including my own in Philadelphia. It was a commitment to a significant project in a program area of mutual interest.

In addition to the film, the effort resulted in the creation of a manual which reports strategies and model programs for ending abuse.

In Washington, D.C., the junior league, in 1977, began working on the problem of domestic violence by providing funding to the Women's Legal Defense Fund's task force on abused women. At that time the city's citizen complaint center had received 10,000 complaints related to domestic violence. However, there were no services or shelters available for these women or their children.

In response to this, the task force initiated a weekday hotline for abused women. But the problem was there was nothing available for weekends.

With financial and volunteer support from the Junior League of Washington and other organizations, services were expanded to providing 24-hour, 7-day-a-week hotlines as well as providing the shelter called "My Sister's Place," and this is where Mary is a volunteer, and she will be glad to answer questions about that particular shelter at the end.

Since 1974, the Junior League of Washington has given more than $125,000, with $16,000 designated for children's programs. In addition, they provide 96 volunteer hours per week.

The junior league in Lubbock, Tex., with others, developed the Women's Protective Services, Inc. in 1982. In addition to the women they serve, they provided services to 260 children. The result is they believe that more attention needs to be paid to chil-

dren, not only because they are victims but also because with children intervention is essential if the cycle of violence is to be broken in the future.

The Junior League of Dallas established Domestic Violence Intervention Alliance of Dallas. It provides volunteers by the Junior League as well as the fact that they have pledged $200,000 to this project. They also see a great need for children's services. Of the approximately 400 children served annually, 55 percent are physically abused, 12 percent sexually abused, and 38 percent neglected.

They, quote, "If attention is not paid to these children today, it is likely that they will grow up to view violence and battering as acceptable behavior tomorrow."

The Lubbock and Dallas Leagues also urge that more funding and support be provided for walk-in clinics and followup services. While such walk-in services may be only a stopgap, they can provide a woman and her children with temporary relief while more permanent or long-term solutions are sought.

It is important in assisting women and children to make a successful transition also from the shelter to more permanent, nonviolent settings, which these walk-in services can provide.

Also identified by these projects of junior leagues is a need for programs to work with the abusers. They emphasize that some families may be successfully reunited in a nonviolent environment, if the programs exist to work with the abuser while providing support and sanctuary for the mother and her children.

One way of funding domestic violence programs on a State level is the marriage surcharge, and many of our leagues have been advocating for this way of funding domestic violence programs within their States.

The problems addressed by junior leagues in their communities, as well as other organizations on domestic violence are not new. Although incidents may have increased during periods of economic decline, domestic violence existed before and it will continue to exist long after the economy improves.

While we agree, to a point, that domestic violence is a community problem which must be solved at the community level, we also believe that much could be done at a national level. Bringing legislation to the floor of Congress will give the problem of domestic violence national attention, and indicate that the problem of domestic violence must be dealt with.

Based on the experience of individual junior leagues in their communities throughout the United States, we believe that the following elements should be considered in developing legislation: One, the Federal Government must play a role in directing attention to the problem of domestic violence and in encouraging and enabling States and localities to develop domestic violence prevention and services programs.

The provision of financial incentives must be a part of this national role.

Two, funded programs should address the needs of women, children, the elderly, and men. They should be required to develop services to help children who have witnessed family violence, and to provide counseling to abusers. However, priority should and

must be given to stopping the violence and providing protection for the abused and their children.

Three, community nonprofit organizations should be encouraged to play a key role in providing services, and four, every State should be required to develop a plan to address this problem, even if it does not provide services, just as every State must develop plans for providing child protective services.

Because of our belief in the need for the Federal leadership on this issue, we have supported and continue to support H.R. 1397, legislation introduced by Representatives George Miller, Barbara Mikulski, and Lindy Boggs, and H.R. 73, sponsored by Representative Biaggi. These bills, identical to the conference version of the domestic violence legislation approved by the House in the 96th Congress, would provide a total of $65 million over a 3-year period to States for programs designed to prevent domestic violence, and provide shelter for domestic violence victims and their dependents.

This subcommittee played a key role in developing the domestic violence legislation in the 96th Congress. We urge you to continue that leadership today by developing legislation that can provide assistance to States and communities and effectively identifying and developing programs to prevent family violence, and assist those who are victims of that violence.

We commend you for holding hearings on this important and sensitive issue, and urge you to work to insure that legislation is enacted to begin to deal with this serious problem.

Thank you very much for the opportunity to appear before you today to present the Association's position on domestic violence.

Mr. MURPHY. Thank you very much, Ms. Crawford. Ms. Ginn?

STATEMENT OF MARY GINN, JUNIOR LEAGUE VOLUNTEER AT MY SISTER'S PLACE SHELTER, WASHINGTON, D.C.

Ms. GINN. I have not prepared a statement and I will be happy to answer questions.

Mr. MURPHY. Fine. Thank you. Mr. Gentry?

[The prepared statement of Charles Gentry follows:]

PREPARED STATEMENT OF CHARLES E. GENTRY, ACSW, IPSW, EXECUTIVE DIRECTOR, CHILD AND FAMILY SERVICES, KNOXVILLE, TENN.

Violence in families may be the most destructive force in family life in the United States. It breeds poor self-concepts, thereby decreasing an individual's confidence and energy levels, which, in turn, reduce production in the work place and in school. Even worse, violence begets violence in current families and assures that inappropriate, hostile destructive behaviors will destroy marriages and child-rearing practices in the next generation. A survey by Straus found that 1.8 million women are abused yearly. Experience and surveys suggest, however, that well over 50 percent of all families experience some form of abuse. Yet there is continuing denial among the public that it exists. Consequently, most of those suffering families are hiding their abuse, are ashamed, and feel that they are the only ones who need help. Because of their shame, feelings of helplessness and entrapment, they may not seek help. Even if they do, many intervenors identify with one family member, thereby rejecting the others and dooming intervention to failure.

Categorical funding of programs to address violence has been necessary to develop greater understanding of spouse abuse, child/adolescent sexual abuse, child abuse, neglect, rape, sibling abuse, abuse of aging, and all forms of extra-familial and intra-familial abuse. It has encouraged, however, a fragmentation of resources and some specialized programs have worn blinders, refusing to cooperate with other community resources or failing to provide treatment for more than one abusive syndrome. For example, when investigating a report of child physical abuse, some intervenors

do not explore the possibility of child sexual abuse or neglect; when intervening around a report of spouse abuse, the intervenor may not inquire about child abuse or aging abuse. Furthermore, many intervenors have not had training on how to intervene with more than one abusive syndrome, many times having training even for understanding that specific manifestation of frustration.

Hardly ever have intervenors in violence been well trained or supervised to understand family systems and how ill-devised interventions may literally aggravate, rather than improve, family functioning. There is a tendency to seek simplistic answers, i.e., removal from the home of an offender without considering the offender's and other family member's needs for treatment, the financial impact, whether the family members can be taught behaviors other than violent ones, whether the offender may abuse others in his/her environment if the current family is dissolved, and other long-range ramifications.

INTERVENTIONS FOR VICTIMS, CHILDREN AND ABUSERS

Once one accepts ther premise that spouse abuse is intergenerational and that spouse abuse often occurs in families where other types of abuse are also present, one can objectively evaluate family systems and their specific needs, whatever their violent interactions happen to be. Literally, every family is different from every other family. At the same time, abusive individuals and families may be similar in their feelings of inadequacy, their needs for nurturance and firm limits, their clinging dependency, their lack of awareness of alternatives to violent behaviors, their inability to problem solve, and their violent reactions to depression or stress.

Abusers may feel that alternative behaviors are ineffective, so they become violent and misuse their power to get their wishes met. They need to be trained to use more effective techniques such as persuasion or contracting with others. Victims may feel helpless and that they deserve the abuse. Assertiveness training and self-concept improvement can help them feel more desirable. Children in the home may feel that they are causing their parents' arguments and abuse toward each other and toward the child. Children have a tendency to blame themselves for any unhappiness that occurs in families. They must be absolved of that responsibility. Additionally, they must receive the nurturance of which they have been deprived while their parents were preoccupied with each other.

Children need to see resolution of the conflict between the parents, so that children become aware of alternatives to violence. Otherwise, these children who grow up in abusive families are very likely to be abusers, or to live in abusive situations, as adults. In no way does this suggest that abusers and victims should continue their marriages. Neither does it imply that abusive marriages should be dissolved. Instead, it suggests that fully empowered adults, both the victim, who is learning to be less fearful through assertiveness training and a support system of other persons, and the abuser need to agree to dissolve their relationship or to commit to the marital union. Either way, both parties should agree to rehabilitative treatment. Ordinarily, this treatment should continue for at least six to twenty-four months. This is because a variety of issues must be addressed such as: straight communication with each other, discontinuance of all hitting behaviors, how to set consistent and nonconflicting limits for the children, how to nurture the children whether or not the marriage survives, learning to play and have some fun in adult life, how to anticipate when abuse is imminent and means for keeping it from occurring, how to deal with highly charged issues such as financial problems and child discipline, accept that spouse abuse and all other abuses are a matter of choice which can be controlled by the abuser, how to address sexual dysfunction, how to attain intimacy without fearing rejection, assessment of their different emotional/physical needs and how to respect each other's needs without feeling threatened, the necessity for assertiveness and respect as opposed to placating behaviors and building of resentment. Many of these couples are not aware of their strong points. Intervenors can help the accentuate the positive. Generally, this will require the involvement of more than one intervenor, because these angry and distraught families need encouragement from a broad system of resources.

When spouse abuse, or other abuse occurs a coordinated system of crisis interventions can offer the most assistance to the total family. For instance, neighbors, ministers, law enforcement, judges, therapists, shelters, physicians and attorneys should be working together to strongly encourage respectful, limit-setting treatment for all of the family members. No one needs to be put down. Some of the family, particularly the primary abuser, may require extremely firm limits. At least one individual counseling session is needed for all family members to short out their frustrations and needs without fearing retaliation for what they have said. Additional individual

sessions, group treatment, self-support groups, family sessions, educational groups, play therapy for children, and shelter for certain family members should be based on that family's particular needs. Please note that shelter for women and children is not the only option. It may be more appropriate to leave mother at home and put father in a shelter. Occasionally, the father and the children may be in a shelter while mother sorts out her feelings within the familiar confines of home. This allows relatives, friends and professionals to relate to her while the father and children receive professional help at a shelter.

It should be stated at this time that most family violence in this country, spouse abuse included, can be dealt with through family counseling without shelter services. That does not negate the need for shelters. It does, however, indicate that a gamut of services are needed to combat the frightening and destructive level of violence in our American homes.

WHAT CAN GOVERNMENT DO ABOUT SPOUSE ABUSE?

In these tight money times, it appears that spouse abuse is receiving less attention and that struggling shelter programs are hardly surviving. Consequently, services, both in and out of the shelters, are less adequate.

Basiclaly, the federal government can assist in two major ways: (1) provide financial assistance for shelter, food and for counseling programs; (2) pass family-focused, not just victim-focused, legislation to protect victims, abusers, and other family members.

Family-focused legislation on spouse abuse should address (1) prevention, (2) early intervention such as counseling and in-home services, (3) treatement for all family members, (4) shelter care, and (5) follow-up after residential services. Recipients of program funding should be required to directly provide and/or integrate a gamut of total family services, which recognize and address the multi-faceted nature of violence in families. Community-wide coordination of services, a case management approach to total families, and specific treatments for victims, abusers, and other family members are required.

In summary, programs for spouse abuse alone, just like treatment of victims without treatment for all family members, do not go far enough in addressing the multifacted, intergenerational nature of family violence. Community/state, broad-based, integrated, family case management services are needed to address spouse abuse and other violence in families.

VICTIMOLOGY: AN INTERNATIONAL JOURNAL
Volume 5, 1980, Numbers 2-4, Pp 240-250
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0361-5170/80/05-000$3.00/0

Treatment of Children in Spouse Abusive Families

CHARLES E. GENTRY

VIRGINIA BASS EADDY
Child and Family Services, Knoxville, TN

This paper reports on the development of a unique intervention into the cycle of family violence. A family systems approach includes intervention with all members of a spouse abusive family, including all the children, the victim(s), the perpetrator, and community systems which can provide resources to these family members. In addition to providing emergency shelter for all who need it, the abuser is actively involved in therapy and the planning for the family's future. Multiple assessment techniques are employed with all family members. The fifteen-week Family Night program, one component of the treatment intervention, involves both group and family therapy, as well as numerous activities for all members of the family. This approach is based on the assumption that the impact of multiple caring people is a more effective and efficient treatment modality for spouse abusive families than treatment by individually-oriented casework. Intervention is accomplished through a family focused therapeutic/educational program which helps family members to learn and to use resources which offer alternatives to violence. The long-term goal of these interventions is to help them break the intergenerational cycle of violence.

PHILOSOPHY

When spouse abuse occurs in a family, Child and Family Services of Knox County (CFS) operates on the philosophy that, with rare exception, the entire family should be involved in the treatment process. This does not mean that the family must stay together at all costs. It does mean that dysfunctional relationships are likely to be passed to future generations, particularly if all parties are not involved in finding better ways to relate and/or separate.

The family systems therapeutic approach is used in the "Treatment of Children in Spouse Abusive Families" Project (TCBF). The family systems approach includes intervention with all children in a family, the victim(s), the perpetrator, and with other community systems which can provide resources to these family members. This therapeutic philosophy is based upon experience. It is grounded in family theory which supports some of the following assumptions.

This paper is based on a demonstration project funded through the Regional Institute on Social Welfare Research (Athens, GA) under the National Center on Child Abuse and Neglect and Department of Health and Human Services.

Researchers (Gelles and Straus, 1979) have identified factors within individuals, individual relationships, and situations which may predispose individuals to act violently. Violence is a family problem. The intimacy, emotional closeness, and physical proximity of family living contribute to the build-up of stresses and frustrations. In non-familial situations, opportunities for flight may be more acceptable and ineffectual conflict management may be more easily masked.

Prolonged interaction, intimacy, and emotional closeness of family life exposes vulnerability and strips away facades that might have been created to shield personal weaknesses. Couples become experts at attacking each other's weaknesses and are able to hurt each other effectively with attacks and counterattacks (Goode, 1971:632).

Exposure to violence and experience with violence lead to learning norms which approve of violence (Owens and Straus, 1975). Violence can be learned through viewing violence in an appropriate role model (Singer, 1971). Millions of children can directly observe and model physical violence between husbands and wives (Owens and Straus, 1971). Many times violence is first experienced in the family and is experienced in relations with those who profess love for one another. Early experiences with physical punishment lay the groundwork for the normative legitimacy of all types of violence, especially intrafamily violence (Gelles and Straus, 1979:553–4).

The family is an arena of confrontation and conflicting interests (Steinmetz and Straus, 1974:5–6). Conflict is an inevitable part of all association. Violence is a mode of expressing conflict which is likely to occur when other modes of pursuing individual or group interests break down due to ineffectual conflict management at the confrontation stage (Dahrendorf, 1968). Violence is used when other modes fail (Straus and Steinmetz, 1974:302) or, in some families when it is a first choice for conflict resolution (Gelles and Straus, 1979:567).

Violence may be related to an individual's struggle to cope with negative self-attitudes which arise out of devaluing psychosocial experiences. Individuals who have low self-esteem are prone to adopt deviant patterns of behaviors as a means of receiving attention from others and achieving a positive self-attitude. Aggression provides such a vehicle (Kaplan, 1972:608). Aggressive individuals are more likely to have experienced self-devaluating experiences and their self evaluations are vulnerable (Kaplan, 1972:602). Some previous psychosocial experience that makes a spouse highly vulnerable to attacks or perceived attacks on self-esteem precipitates a verbal assault or violent response (Gelles, 1974:166).

Violence is one response to particular structural and situational stimuli such as stress and frustration or threats to identity (Gelles, 1974:189). Violence is used as a resource when other resources are insufficient or lacking (Goode, 1971:628). The more resources a person can command, the less likely he is to deploy force in an overt manner.

The assumptions cited above can help identify families where violence may occur. The treatment focus, however, is not on why abuse occurs, but on changing patterns of family interaction. Treatment must be individualized for each family because each set of circumstances and problems relates to that unique system. Total family incorporates individual factors

and situational factors. Therefore, total family treatment and open system interventions are morelikely to be successful in making changes in violent families than are victim protected and closed system approaches.

A family systems therapeutic approach is the best treatment modality to meet the special needs of children and adults in battering families. If intervention is made in any part of a family system, family members may act to sabotage changes in order to maintain the present state, even if it is dysfunctional. This homeostatic system, although functioning poorly, does fulfill some dependency needs of the participants. Conversely, the family gains strength from formulating plans together for their futures, even if these plans include breaking up the family unit. When all family members are involved in planning for the future of the family, the possible positive effects are maximized.

Intervention with the perpetrator, victim(s), and other family members requires special safety precautions. Immediate protection should be provided to victim(s) and their children in the sheltered environment of the Family Crisis Center. Assessment must be made of imminent dangers and of potential dangers. Intervention must begin immediately with individuals and subgroups of the family who are present. When the situation stabilizes so that the mediating therapist can begin intervention with the total family. When temporary separation is absolutely required for protection, and treatment is being initiated for the whole family, it is essential to be firm but not punitive with the abuser and to help all family members maintain respect for self and for their family unit.

Isolation of the victim and children in a shelter away from the perpetrator is only a temporary, and seldom a long-term, viable solution. Victims and/or their children do need special attention and intervention, but in the context of their total family system. Perpetrators need as much attention and intervention as do the victim(s) and/or their children. Each person is fulfilling a role which he/she perceives as vital to survival. Intervention, which relates to parts of the system but which does not recognize individual/family differences, can lead to additional trauma. Examples include loss of employment, loss of parent, further loss of self-esteem, psychosis, loss of sexual release, and, for the abuser, unwarranted legal fees which will strain overall family finances.

If the abuser is permanently separated from the family, the child does not necessarily learn from this action that violence is detrimental to interpersonal relationships. Instead, the child experiences loss and confusion and may need to reenact and try to resolve the trauma in adult life. More effective learning occurs when the child experiences family members who are attempting to change, even if this occurs during permanent or temporary separation. If absent through permanent separation, the abuser will still be seen by the child as his/her parent. If contact is not established with the abuser, some children seem to begin to reject the absent parent as a bad parent, may be concerned for his/her safety, and may begin to distort past events and begin blaming the abused parent for the loss of the other parent. Separation promotes confusion and guilt which encourages the child to either withdraw or begin acting out. Supervised contact with the abuser helps relieve this burden and allows the

total family to deal more realistically with the issue of inappropriate abusive behavior.

Attention given only to the battered member(s) of the family may actually aggravate the abuser who may seek revenge on the victim(s) who have left home and have been sheltered. Experience at the Kent C. Withers Family Crisis Center (which opened in Knoxville, TN in January, 1978) indicates that contacting/including the abuser averts the potential violence of the angry perpetrator who wishes to seek and find the victim. A perpetrator who already feels inadequate may feel even more inadequate if not involved in the treatment and planning process. This may lead to further violence with others or to seeking revenge within the present family system. A perpetrator, if totally separated, may also seek a new family system and repeat the same violent behavior.

A large number of abused spouses return to the same spouse or go to another abusing mate. This may be related to their intense dependency needs, to their learned expectations regarding a violent family life style, or to lack of resources which could give them alternatives.

Total family intervention is required to break the inter-generational cycle of family violence. It provides secondary prevention when it prevents recurrence of violence by adults, and provides primary prevention when it decreases the future perpetration of violence by the children. Helping victims *and* perpetrators to learn more effective communication skills, to increase self-respect, and to develop interpersonal alteratives to the use of violence are necessary to break the cycle of violence in families.

Networks of comprehensive community services are necessary to assist violent families who often are facing a multitude of problems. Many community resources may be appropriate, but one agency must assume case management responsibility for the total family unit. Otherwise, there will be gaps in service; the family members, out of their own fears of rejection, may either reject or overwhelm the community agencies.

TREATMENT PLAN

Intervention is initiated at the Kent C. Withers Family Crisis Center (FCC) by staff who promptly notify the TCBF follow-up therapists. While a family is in the Family Crisis Center, these combined staff personnel work together as a team. The TCBF follow-up therapist establishes rapport with the family, participates in individualizing the treatment program for each family, and sets the stage for follow-up services to the family. Crisis intervention and supportive strategies are also begun by the TCBF counselors while clients are in the Family Crisis Center. This usually is with the abused mother and her children.

Emotional support is one of the greatest needs of the abused adults and children who enter the Family Crisis Center. The abused adult and her children are exposed to multiple positive experiences from many caring others. Individual activities are planned to meet each client's special interests or needs. Peer groups are formed for support, for recreation, or for discussion of topics selected by the participants. Supervised volunteers and students provide many of these experiences.

Often when an abused family comes to the FCC, in addition to feeling helpless and out of control, they feel overwhelmed by a lack of adequate resources. The adult is assisted in obtaining social services of immediate importance, such as finding alternate housing, work or training, day care for the children, health care, additional social support systems, legal aid, and financial support. Some of these survival needs must be met before the client is able to address interpersonal problems.

Helping the mother meet her emotional and social service needs enables the therapist to intervene more effectively in dealing with other family issues related to the children and the perpetrator. Simultaneously, efforts are made to involve these family members in the treatment process.

While in the Family Crisis Center, special attention is given to the needs of the children. Intervention includes modeling appropriate touching and affection; teaching parents non-violent interventions with children such as "time out" and giving or withdrawing attention at appropriate times; teaching child management skills and appropriate behavior for children of different ages. The TCBF and FCC staff encourage and support parents' practice of these new behaviors. The TCBF counselors continue to reinforce these skills in follow-up casework.

While children and mothers are receiving services, the TCBF counselor reaches out to the abuser. When a partial family enters the FCC, permission is requested from the abused spouse to contact the abuser. Experience reveals that permission almost always has been granted within 2–3 days after the Family Crisis Center admission and sometimes almost immediately. The location of the abused's residence is not disclosed to the abuser until both the abused spouse and the worker agree upon the advisability. The worker must help the abused to resist the abuser's enticement and promises to miraculously and immediately become non-violent.

As quickly as it is agreeable with the abused, the abuser is invited by intervention personnel to participate in treatment planning for self and for the family. The abuser is told that his/her family has sought assistance; and because it appears that there is a family problem, contact is being made to offer counseling assistance. Often, initial invitations are refused, but the worker continues frequent phone calls or in-person contact, continuing to offer assistance to the also-hurting perpetrator, and encouraging his/her input into planning for the family. A phone number is left, further contact is promised and follow-up contacts are made every few days.

As soon as possible, work is begun with both the abused spouse and the abuser. They are assisted in dealing with the children on at least seven issues which affect the entire family. 1) The safety of the children, the victim(s) and the abuser (who often becomes suicidal at separation) is constantly evaluated and discussed with all family members. Frequent, if not daily, phone contacts and/or face-to-face contacts are necessary at times to monitor safety. 2) In the protective presence of a mediating therapist the family is encouraged to consider long-term planning. After considering the alternatives, they are assisted in setting specific goals either for temporary separation, for permanent separation, or for living together with decreased hostility and violence. 3) Parents are given spe-

cific guidance on how to help their children cope with separation and/or reunion. Parents can better comfort and assist their children if parents are aware of how children react to the loss of a parent differently at different ages or stages of their development. 4) If members are separated, plans must be formulated if they are to maintain contact. 5) Parents may need help in dealing with children's fears of violence to self or to loved ones, and with their fears of loss. 6) A major intervention is helping the entire family to learn alternative ways of relating so that previously learned and/or used violent behaviors may be replaced. 7) Family members are assisted in gaining conflict management skills. They are helped to focus until they define a specific family problem, list possible solutions, and reach a consensus for the solution.

The above interventions begin at the Family Crisis Center and are continued in follow-up treatment. Initially, outreach may focus most intently on the resistive adult family member(s). Once parent(s) are in treatment, therapy helps parents increase their resources to better meet their own needs. Adult interventions concentrate on teaching adults to practice alternative behaviors, which avoid role reversal with children and which replace violent behaviors. Child therapy attempts to positively impact upon the child's malleable self-concept. The child's attitudes toward self, and the extent to which he/she perceives personal self worth, will significantly influence emotional growth, academic achievement, and interpersonal relationships. Therefore, therapy with children involves a variety of stimulating, positive experiences with the children and adults. These experiences are aimed at increasing intrapersonal and interpersonal resources.

The family treatment plan is continually reassessed. Each family treatment plan is individualized. This usually involves seeing the family as a total unit, and in varying combinations, depending upon special needs or individualized family goals. A treatment plan for group and family work, called "Family Night," was developed as a more efficient and effective treatment modality for abusive families than individual casework alone.

FAMILY NIGHT

The TCBF therapists believe that the additional impact of multiple caring people upon members of battering families provides a more effective and efficient treatment than does treatment by individual casework alone. Therefore, the Family Night program was developed as a vital component of the treatment plan for abusive families. This fifteen-week, supplemental treatment plan utilizes many professionals and non-professionals to provide a variety of positive experiences through group and family work. Duplication of services is avoided by meeting many of the multiple needs of individuals through group rather than individual experiences with the therapist(s). New behaviors are modeled and tried in the safe environment of the group; immediate constructive feedback is experienced. Self-esteem of family members is enhanced when they experience positive interaction with multiple others. Also, worker burn-out is minimized by sharing the treatment with other professionals and volunteers.

The Family Night treatment plan includes total family involvement. Specific components are developed for children, for adults, and for family interaction. Marital therapy is not a component of Family Night. All components are designed to provide a number of stimuli and a variety of caring people to be involved with these families. The Family Night treatment program offers opportunities for family members to learn and to practice more productive communication skills, conflict resolution skills, new trust-building skills, and appropriate ways to express anger. It provides instruction in child development, non-violent disciplinary techniques, and child management skills. It offers opportunities for family members to have fun together as a family, to develop new relationships with non-family members, and to decrease isolation by developing new social supports from friendships established during Family Night. Participants from these spouse abusive families experience empathy from, and fellowship with, TCBF counselors and the many caring individuals who volunteer to be with them.

This therapeutic/educational experience for the total family was provided for fifteen consecutive Monday nights from 6:30 to 8:30 p.m. at the Child and Family Services' main office. This Family Night program was provided to abusing families who met the criteria and who chose to participate. Seven families with a total of thirty two members participated. Two couples were separated or in the divorce process, but attended with their children. All seven families participated for the fifteen weeks. Transportation was provided as necessary. An average of twenty-two caring individuals assisted the two TCBF counselors in each of the fifteen sessions.

As the families arrived each week, the three- to eleven-year-old children were escorted to the playroom. The playroom was supervised by a play therapist who was assisted by student and volunteer helpers. Nursery services were provided for children who were younger than three years. Activities were planned for children over eleven years.

Each session, a thirty-minute segment of informal time, was planned for the adults before their structured group activities began. This allowed time to get their children settled in their designated place, with time to relax and to socialize over coffee.

Each session, the children and their families spent twenty minutes together midway during the evening. Nutritional refreshments were served. All family members, staff, and volunteers participated in a musical activity selected for the evening. This time was designed to create a positive family feeling and to give families time to get acquainted informally.

Throughout the fifteen weeks of Family Night, telephone contact and frequent home visits were used to monitor changes in violent behaviors. Contact with the TCBF therapist, by any family member who felt in danger or distress, was encouraged. Family and individual sessions with group members were also scheduled between group sessions. This gave the families added support as well as opportunity to deal with issues not covered in group.

Weekly notes were mailed from the TCBF therapist to each adult participant. Appropriate comments were made concerning their presence or absence at Family Night.

Many caring individuals consistently provided positive interactions and stimulating activities with these children and other family members. These included the TCBF staff, and the male and female volunteers from high schools, churches, and the University of Tennessee.

Child Section (first 7 weeks). In the child segment of Family Night, multiple activities were planned for the children each night. Art, music structured play, and special toys were incorporated to add a variety of positive stimuli for the children.

Whenever a child was not involved in a specific activity, he/she was in the playroom. Cooperative play was facilitated and individual play therapy was provided by a trained play therapist and her assistants.

The first night of Family Night, each child was given the Joseph Self Concept Screening Test. Each child between the ages of three and eleven was given the Wechsler Intelligence Scale for Children-Revised or the Stanford Binet at some time during the first seven weeks. Activities were continually individualized to meet the needs of the child as revealed by the assessments and by ongoing behavioral observations.

Two art therapists spent the entire session with the children on two evenings. Each child made a life sized self-portrait by lying on paper to be traced, then decorating the tracings with his/her choice of fabrics and paints. These portraits were displayed on the walls of the activities room. These therapists were available on other evenings for additional less structured activities with individual children.

One strategy, designed to impact upon child development, was the pairing of one "significant adult" to interact individually with each child for thirty minutes of one-to-one bonding exercises (Bordy, 1975) each week. Target children (an abused child, or the youngest three- to eleven-year-old child in each family) spent thirty minutes each session with the assigned "Developmental Playmate" who was a graduate student in Child and Family Studies at the University of Tennessee. Other children had individual time with an assigned "Friend" who was a student or volunteer. These bonding exercises provided each child with structured individual attention, a positive trust-building experience with a caring adult, and allowed the child to experience appropriate touching and eye contact.

At the end of each weekly session, these individualized procedures and activities were re-enacted by each Playmate or Friend with the specific child's parent(s) so they would have these techniques for interaction with their child at home. Weekly, each target child and his/her parents received a phone call from the child's playmate. Other children in the family were called weekly by their Friend.

Parent Section (first 7 weeks). The adult segment of Family Night included components of education and therapy. The focus for the first seven weeks was mainly educational, with some attention given to group process and development. In this parent group, the treatment emphasis was on finding alternatives to violent behavior through behaviorally specific goal setting, psychotherapy, and education. Child management, communication, and conflict resolution skills were emphasized. As part of the

treatment, active participation was encouraged in both the educational and the therapeutic components. Homework and reading materials were given.

Each night the child development students spent twenty minutes with parents on an individualized basis. Interactional procedures were demonstrated to give each parent specific techniques for interaction with their children at home.

A self-report questionnaire was administered the first night to each adult. This instrument included measures of ongoing stress, stress prior to violent episodes, child/spouse characteristics which elicit abuse, use of alcohol and other drugs, outlets for stress, and the Straus Conflict Tactic Scale on "Ways of Handling Conflict in Your Family." Also, in the first session, the group was introduced to the Goal Attainment Scale (Justice, 1976) which gave an overview of the seven areas of focus for group education and application. These areas included child management, child bonding, appropriate expressions of anger, communication skills, child development, conflict resolution, and isolation. Each adult was given a folder in which to keep this and subsequent handouts.

In the third session, each parent completed a set of self-report assessments which included parental satisfaction with children, personal satisfaction with self, personal satisfaction with marriage, and the Rosenberg Self Esteem Scale. They participated in the Kveback Family Sculpture procedure.

On the second, fourth, fifth and sixth weeks, parents received forty-five minutes of instruction in Systematic Training for Effective Parenting (Dinkmeyer and McKay, 1976). Specific emphases were on goals of misbehavior, encouragement, effective listening, use of I-messages, and punishment and logical consequences. Parents also received forty-five minutes of instruction for four weeks in behavioral contracting, problem solving, and conflict resolution. Handouts complemented the instruction.

In the seventh session, each adult completed the assessment "Family Adaptability and Cohesion Scale." TCBF therapists and group members reviewed the Goal Attainment Scale and evaluated the previous Family Night sessions. These families requested a continuation of this therapeutic/educational experience, and a decision was made to continue for eight weeks.

Child Section and Parent Section (final 8 weeks). During the final eight weeks, the children spent the first forty-five minutes of the session in supervised play with some structured group activities. The adults spent forty-five minutes in group, during which time they made further personal application of educational material which had been presented during the first seven weeks. From a checklist, based on the Group Attainment Scale, each adult prioritized his/her three areas of personal concern. In the group, each individual set personal goals and weekly shared progress or lack of progress in attaining these goals. They became increasingly helpful with constructive criticism and with positive support.

Weekly, after the parents and children met separately for forty-five minutes, all family members, staff, and volunteers shared nutritional refreshments. For five weeks, during the final thirty minutes of Family

Night, all persons actively participated in activities described as New Games (Fluegelman, 1976). Because the age range of the children was infant through fourteen years, it was difficult to have families participate in "talking" interactional activities. Therefore, New Games was incorporated into Family Night as a part of the treatment process. These games were played with families, staff, and volunteers. The idea of New Games is to create trust, to have fun playing, and to develop skills in cooperating with each other. The games are competitive, but not geared toward winning or losing. They help children develop age-appropriate skills and help adults get in touch with having fun and laughing with their families, which often offers relief from stress.

During one evening, all family members participated in art therapy, making any objects they desired from clay. The art therapist then fired their creations and later returned them to each individual.

During another evening, all family members enjoyed viewing the animated film version of Erik Erikson's eight developmental stages, entitled "Everybody Rides the Carousel." Parents, infants and toddlers viewed Part I in one room while parents and school-aged children viewed Part II in another. The children enjoyed the cartoon, while the adults' knowledge of age-appropriate behaviors of their own children was reinforced.

In the final session of Family Night, the adults repeated the Straus Conflict Tactic Scale "Ways of Handling Conflict in Your Family" as a post-test measure. A party was planned for refreshment time. Girls from the CFS Group Home made sheet cakes. Each child participated in decorating the cakes by using icing to draw self and parents on the cakes. An older sibling had taken two polaroid pictures of each child during previous sessions. Each child and his/her parents were given these to take home. All family members and staff together evaluated the fifteen week experience and enjoyed recapping highlights of the program. Comments from children and adults confirmed observations by the TCBF staff that the program had been a uniquely positive growth experience for these families.

SUMMARY

The program of Treatment of Children in Spouse Abusive Families, developed by Child and Family Services of Knox County, is a unique intervention into the cycle of family violence. It not only provides traditional shelter and intervention to the abused, but also actively extends services to the abuser. Intervention is not punitive. It assumes the personal worth of each individual family member. It encourages family members to recognize their strengths and to build upon these, while also focusing on specific dysfunctional behaviors which they wish to modify.

Intervention is accomplished through a family focused therapeutic/educational program which assists family members to learn and to experience resources which offer alternatives to violence in families. It is believed that these alternatives will help break the inter-generational cycle of violence.

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Family Crisis Center

PHILOSOPHY AND PURPOSE

The Family Crisis Center of Child and Family Services of Knox County opened its doors in January of 1978 as a result of the efforts of several organizations and individuals who saw the need in our community for a short term comprehensive, crisis oriented treatment center and shelter for families. The purpose of the program is to provide a maximum of 14 days board and room while individuals and families are helped to engage with professional center staff in the development and implementation of a family centered treatment plan. This plan is pursued following the family's exit from the residential aspect of the program. As of July 1, 1978, a 60 day follow-up treatment period was initiated.

Individuals and families who find themselves in need of a combination of crisis oriented counseling and shelter are offered services by the crisis center. There is no means test. Any Knox County resident in crisis who can benefit from the services offered is eligible depending on the availability of bed space in the facility.

Specifically, the Family Crisis Center addresses itself to the needs of families in which the problems might be:

1. Actual or potential child abuse/neglect including sexual abuse.
2. Actual or potential spouse abuse.
3. Actual or potential runaway youth.
4. Adolescents concerned about resisting acting out behavior.
5. Rape victims who need services in addition to those provided in the community.
6. Other family crises which would respond to crisis intervention and temporary shelter.

The Family Crisis Center is open 24 hours per day, 365 days per year and has staff on duty at all times. The staff provide screening and referral services through intake and treatment planning. Treatment during the 14 day residential stay includes individual, couples, marital, parent-child, family and group therapy depending on client needs.

Families (approximately 15–18 individuals at any one time) are also provided three nutritious meals per day and are assisted in obtaining medical care as well as other needed services from other community resources. Every effort is made to provide a comprehensive therapeutic experience for client families with as many family members included in the treatment program as possible. Such things as training and participation in first aid, meal planning, infant stimulation, behavior management of children, leisure time activities, personal hygiene, etc., are offered as well. The center also attempts to provide a comfortable atmosphere with structure so that families can engage more productively in the activities of daily living at the center.

PROGRAM EVALUATION CRITERIA

1. Provide food and shelter for up to 18 people at any one time, includes runaway youth.
2. Approximately 500 people will be served per year.
3. Provide counseling based on treatment plan.
4. Provide screening and referral for another 1500 clients.
5. Referral to community resources of admitted clients as appropriate.
6. 75 percent of clients will express satisfaction with services provided.
7. All members of the nuclear family will be involved in the treatment provided in 50 percent of the families served.
8. Every effort will be made to work with hostile relatives.
9. Follow-up will be provided for all clients based on the treatment plan.

ORGANIZATIONAL HIERARCHY

Executive Director.
Coordinator of Residential Services.
Casework Supervisor.
Residential Supervisor.
Counselors (2).
Caseworkers (2).
House Supervisors (7).

STATEMENT OF CHARLES GENTRY, DIRECTOR, CHILD AND FAMILY SERVICES, KNOXVILLE, TENN.

Mr. Gentry. Thank you, Mr. Chairman, and committee members, staff.

I'm the executive director of Child and Family Services, a multifunction, multiprogram type of agency in Knoxville, Tenn., which in 1973 agreed to accept me as the executive director to develop an umbrella of services for violence in families, that came out of several years of private practice which I'd been doing and I learned in the process that there was no way therapy alone could provide for families what they really needed.

I also represent the Family Service Association of America today.

Violence in families really may be the most destructive force in family life in the United States. It breeds poor self-concepts, thereby decreasing an individual's confidence and energy levels, which in turn reduce production in the workplace and in school.

Even worse, violence begets violence in current families and assures that inappropriate hostile, destructive behavior will destroy marriages and child-rearing practices in the next generation.

A survey by Strauss found that 1.8 million women are abused yearly. My experience and surveys suggest, however, that well over 50 percent of all families suffer from some form of abuse. Yet, there is continuing denial among the public that it even exists. Consequently most of those suffering families are hiding their abused, they're ashamed, and they feel they're the only ones who need help.

Because of their shame and feelings of helplessness, and entrapment, they may not seek help. Even if they do, many interveners identify with one family member, thereby rejecting the others and basically dooming the intervention to failure.

Categorical funding of programs to address violence has been necessary in the past to develop greater understanding of spouse abuse, child and adolescent sexual abuse, child physical abuse, child neglect, rape, sibling abuse, abuse of aging, and all forms of extrafamilial and intrafamilial abuse.

It is encouraged, in my opinion. However, a fragmentation of resources, and some specialized programs have worn blinders, refusing to cooperate with other community resources or failing to provide treatment to more than one of the many abusive syndromes. For example, when investigating a report of child physical abuse, some intervenors do not explore the possibility of child sexual abuse or neglect. Or when intervening around a report of spouse abuse, the intervener may not inquire about child abuse or aging abuse in the same family.

Furthermore, many interveners have not had training on how to intervene with more than one abusive syndrome. Many times, also, having inadequate training even for understanding that specific manifestation or frustration. Hardly ever have interveners in violence been well trained or supervised to understand family systems and how ill-devised interventions may literally aggravate rather than improve family functions.

There's a tendency to seek simplistic answers. Such as removal from the home of an offender without considering the offender's and other family member's needs for treatment, the financial impact, whether the family members can be taught behaviors other than violent ones, whether the offender may abuse others in his or her environment if the current family is dissolved, and other long-range ramifications.

Once one accepts the premise that spouse abuse is intergenerational, and that spouse abuse often occurs in families where other types of abuse are also present, one can objectively evaluate family systems and their specific needs, whatever their violent interactions happen to be. Literally, every family is different from every other family.

At the same time, abusive individuals and families may be similar in their feelings of inadequacy, their needs for nurturance, and yet firm limits, their clinging dependency, their lack of awareness of alternatives to violent behaviors, their inability to problem solve, and their violent reactions to depression or stress.

Abusers may feel that alternative behaviors are ineffective. So, they became violent and they misused their power to get their wishes met. They need to be trained to use more effective techniques such as persuasion or contracting with other people in the family.

On the other hand, victims may feel helpless and that they literally deserve the abuse. Assertiveness training, self-concept improvement, can help them feel more desirable. Children in the same home may feel that they are literally causing their parents' arguments and abuse toward each other and that they're causing the abuse toward the children themselves.

Children, in fact, have a tendency to blame themselves for any unhappiness that occurs in a family. They must be absolved of that responsibility. Additionally, they must receive the nurturance of which they are many times deprived while their parents are preoccupied with each other.

Children need to see resolution of the conflict between the parents, when possible so that they may become aware of alternatives to violence. Otherwise, these children who grow up in abusive families are very likely to be abusers or to live in abusive situations as adults.

In no way does this suggest that abusers and victims should continue their marriage. Neither does it imply that abusive marriages should be dissolved. Instead, it suggests that fully empowered adults, both the victim who is learning to be less fearful through assertiveness training and the support system of other persons, and the abuser, need to agree to dissolve their relationship or to commit to the marital union.

Either way, both parties should agree to rehabilitative treatment. Ordinarily, this treatment should continue for at least 6 to 24 months. This is because a variety of issues must be addressed, such as straight communication with each other, discontinuance of all hitting behavior, how to set consistent and nonconflicting limits for the children, how to nurture the children, whether or not the marriage survives, learning to play and have some fun in adult life, how to anticipate when abuse is imminent and means for keeping it from occurring, how to deal with highly charged issues such as financial problems and child discipline, accept that spouse abuse and all other abuses are a matter of choice which can be controlled by the abuser, how to address sexual dysfunction, how to attain intimacy without fearing rejection, assessment of their different emotional and physical need and how to respect each other's need without feeling threatened.

Also, there's the necessity for assertiveness and respect, as opposed to placating behaviors and building of resentment.

Many of these couples are not aware of their strong points. Interveners can help them accentuate the positive. Generally, this will require the involvement of more than one intervener, because these angry and distraught families need encouragement from a broad system of resources.

When spouse abuse or other abuse occurs in a coordinated system of crisis intervention, these interventions can offer the most assistance to the total family. For instance, neighbors, ministers, law enforcement, judges, therapists, shelters, physicians, attorneys, all should be working together to strongly encourage respectful limit-setting treatment for all the family members. No one needs to be put down.

Some of the family, particularly the primary abuser, may require extremely firm limits. At least one individual counseling session is needed for all family members to sort out their frustrations and needs without fearing retaliation for what they have said. Additional individual sessions, group treatments, self support groups, family sessions, educational groups, play therapy for children, and shelter for certain family members, should be based on that family's particular need. Please note that shelter for women and children is not the only option. It may be more appropriate to leave mother at home and put father in a shelter.

Occasionally the father and the children may be in a shelter while mother sorts out her feelings within the familiar confines of the home. This allows relatives, friends, and professionals to relate to her while the father and children receive professional help at a shelter.

It should be stated at this time that most family violence in this country, spouse abuse included, can be dealt with through family counseling without shelter services. That does not negate the need for shelters. It does, however, indicate that a gamut of services are needed to combat the frightening and destructive level of violence in our American home. Basically, what that says is we have to do more prevention, long before families totally destroy each other.

In these tight money times it appears that spouse abuse is receiving less attention and that struggling shelter programs are handly surviving. Consequently, services, both in and out of the shelter, are less adequate.

Basically, the Federal Government can assist in two major ways. One, provide financial assistance for shelter, food, and for counseling programs. Two, pass family focus, not just victim focus, legislation to protect victims, abusers, and other family members.

Family focus legislation on spouse abuse should address, one, prevention. Two, early intervention such as counseling and in-home services. Three, treatment for all family members. Four, shelter care. And five, followup after residential services.

Recipients of program funding should be required to directly provide and/or integrate a gamut of total family services which recognize and address the multifaceted nature of violence in families. Communitywide coordination of services, a case management approach to total families, and specific treatment for victims, abusers, and other family members are required.

In summary, programs for spouse abuse alone just like treatment of victims without treatment of all family members, do not go far enough in addressing the multifaceted, intergenerational nature of family violence.

Community/State, broad-based, integrated, family case management services are needed to address spouse abuse and other violence in families.

Thank you.

Mr. MURPHY. Thank you very much.

Ms. Ginn, I want to ask you, you're a volunteer and do you have any system of training when you enter the volunteer service? Who takes the personnel as they come in and trains them and makes them capable of really handling the responsibilities, or is there any such program?

Ms. GINN. Yes. We do have a program. We have a volunteer coordinator who takes all new volunteers, spends approximately 2½ full days, partly telling them what the facilities are in the District for women, and in the various areas. But mainly to help them listen and hear what's being said, role-playing, and talking with the women and the women on the hotline, because it's not only a shelter; it's also a hotline. And the majority of your people that you're dealing with are obviously people on the hotline, although you've got others seeking shelter there are so many more of those calling the hotlines than there are people in the shelter.

Mr. MURPHY. Here in the District of Columbia, do you have a pretty sizable volunteer corps?

Ms. GINN. We have approximately a hundred volunteers.

Mr. MURPHY. How many shelters are there?

Ms. GINN. One.

Mr. MURPHY. There's only one and you have that many people?

Ms. GINN. That's correct.

Mr. MURPHY. You only have one shelter in the District of Columbia?

Ms. GINN. That is for battered women. There are other shelters. They are not protected addresses. That is very important when a woman is afraid for her life. The men do look for the women. And if they can't go to someplace to hide then it——

Mr. MURPHY. But "My Sister's Place" is a protected address?

Ms. GINN. That's correct.

Mr. MURPHY. And you have a hundred volunteers serving that?

Ms. GINN. Yes.

Mr. MURPHY. And you only have room for 20 persons?

Ms. GINN. Twenty.

Mr. MURPHY. Is that total persons, children?

Ms. GINN. That's correct. Yes.

Mr. MURPHY. Twenty beds?

Ms. GINN. Yes.

Mr. MURPHY. That's not very big.

Ms. GINN. No, it's not. Not for the District of Columbia, no.

Mr. MURPHY. Would you think, then, you have enough volunteers to staff the center? It certainly seems as though you do.

Ms. GINN. Well, it's a 24-hour volunteer watch.

Mr. MURPHY. Around the clock, yes.

Ms. GINN. And it is adequate but the staff members are eight and they do often have to do shifts because there are no volunteers to do that particular shift.

Mr. MURPHY. One thing that just about every witness mentioned today was that they seemed to indicate the problem is, if not hereditary, close to it, that the abuser seems to come from a family that saw violence or abuse. What justification do you have? I guess the only case that I know of from personal knowledge is that the parents of this young man were very, very nice people and never had any violence in the home and—what statistics do you have—how do you formulate that opinion?

Mr. GENTRY. I'd be happy to address that.

Mr. MURPHY. Yes, Mr. Gentry?

Mr. GENTRY. We operate several programs that I consider misuses of power, such as sex abuse, child abuse, spouse abuse, and you find in most of those programs that at least 40 percent and frequently as high as 80 percent of the perpetrators, have had something perpetrated on them in the past. By that I mean one of four particular types of abuse.

They generally have come from families where there was sexual abuse, spouse abuse, child abuse, or neglect, and any of those four syndromes will leave a person feeling very badly about themselves. They have poor self concepts. They have fears of loss of control. They don't know alternative behaviors. They have learned to be abusive, in other words, to misuse their power.

So, we have statistics across those four types of programs indicating that anywhere from 40 to 80 percent of the abusers themselves went through those types of situations. And if you put the abusers and the abusees together, then, and look at those statistics, literally 100 percent of them, at least one person in the family, had come from one of those four backgrounds, or a combination of those four backgrounds.

Mr. MURPHY. You have a unique concept and certainly one that would be cost-saving, take the abuser and put him in a shelter. We used to call those jails. [Laughter.]

Mr. GENTRY. You know, but the truth is it's very difficult to punish violence out of people or to punish sex out of people, and very frequently you see these two things together, inappropriate attitudes toward these two things, and our approach has been to care about that person in ways they've never been cared about, to give them other support systems, to improve their self concept, and to put limits on them, the same way that we put limits on our children.

Just because somebody's 6 feet tall, weighs 200 pounds, does not mean that that person, from a psycho-social standpoint, is mature. That person may be a child and he may be 4-years old or 6-years old.

Mr. MURPHY. Don't you have a problem, though, with the abuser center type thing. It has to be a voluntary program for the abuser, and you also have to leave the family with some protection. If they're left in the original home and he opts out at the center at 11 o'clock at night, you know where he's going.

Mr. GENTRY. I did enclose a paper on the treatment of children from spouse abusive families, and that was sponsored jointly by the

National Center on Child Abuse and Neglect, and by the Office of Domestic Violence.

We asked for the eight most spouse abusive families in Knoxville, which the police department, the department of human services, and other organizations could come up with. We found we were literally able to engage all those families in our program, despite the fact that people assume that these very mean, ornery people could not be engaged. Basically following a philosophy that you have to pursue the client, whoever the client is, and that that may take 7, 8, 9, 10 contacts.

Mr. MURPHY. Mr. Bartlett, do you have any questions?

Mr. BARTLETT. Thank you, Mr. Chairman. I apologize for coming in late at the middle of the hearing. This is an issue which I've spent a good deal of time on over the last several years, even before I got to Congress. We had a markup in the full committee this morning on the immigration bill and it was a conflict with the hearing. So, I apologize to the witnesses. I have reviewed the testimony. I thank each one of you for being here on this subject.

In particular, I think I would commend the Junior League for their active participation and leadership nationwide and particularly in Texas, that its shown on the subject. It's not just the Junior League, but to really commend all of the volunteers and the persons around the country who have been involved, sometimes through the Junior League, sometimes through other organizations, sometimes through freestanding organizations in this subject. Its been a long time coming.

Its been very active at the private level, private sector level, through the Junior League, plus other organizations, been very active in Texas, and also through State and local government. Oftentimes its required coordination with the police departments, which up until perhaps 5 years ago, had not happened.

I was the chairman of a statewide commission to draft a set of written rules for law enforcement agents for the entire State of Texas, and we were updating a draft that had been done in 1973. This was done in 1981. And the first and the most obvious omission was there was not even a chapter on domestic violence that made any reference to the fact that an arrest should be made if a crime has been committed. It sort of urged counseling and, "Well now, can't you just sort of settle everything down and get them to smile at each other again and then leave?"

And that's now been changed, in Texas anyway, and now it takes volunteers and people like you, and city councils throughout the country to talk with their police departments to make sure it's changed, in fact, that while an arrest is not always called for, it surely shouldn't be eliminated as an option.

I wanted to ask that question, I suppose, of Mr. Gentry, because I wanted to see if you wanted to—see if you could follow up on that with any clarification. You wouldn't suggest to us that an arrest should never be made as a form of punishment, but you would keep that option open and make sure the police use that option?

Mr. GENTRY. I would suggest that the first time it's ever known to a community that spouse abuse is occurring, that some options are offered to that family and, specifically, to the abuser. Such as a counseling program. And in many communities, nothing is offered

to that family, to that abuser. And even in our own community that's frequently true. There are a lot of people who say, "Well, if you won't do this again, then I won't do anything about this." And obviously that's a bias that also has to be erased in this country. Something does have to be done and it has to be done immediately. Those people have to be engaged.

No, I believe in leverage on families or on myself or anybody else. If I can't be arrested and forced to behave appropriately that way, then through contacts with other people or through human power I need to be forced in the appropriate direction.

You can leverage many people into treatment as a consequence. You can encourage them, almost coerce them maybe, or what have you. But many people will engage in treatment.

Mr. BARTLETT. Ms. Ginn or Ms. Crawford, would you add to that in terms of the whole array of options that need to be made available?

Ms. CRAWFORD. I would agree that many options should be made available but that there should be a priority to ending the violence when there is, in fact, violence, that that should be a priority.

Mr. BARTLETT. Ended at that point.

Ms. CRAWFORD. Yes.

Mr. BARTLETT. And then also notify the participants of other options that are available to them.

Ms. CRAWFORD. Right.

Mr. BARTLETT. And I think—that's what police departments are now increasingly aware of, of the need to make that separation right then, and then to advise of shelters that may be available or other options.

I'd like to elicit from you, because the three of you work at the national level through your associations, I'd like to elicit from you a description, if you have it, either quantitatively or subjectively, as to what's happened, say, over the past 10 years and I note that there are now some 44 States that have new domestic violence laws and have taken some action. What's happened over the past 10 years in the Nation in terms of increasing the State and local participation and not just awareness, but active participation in this problem as a problem? How many shelters are there nationwide? Junior League has 46 shelters, your testimony said.

How many shelters are there? We have a large number. I'm aware of what's happening in Texas, which is a vast increase, perhaps almost statistically impossible, a thousandfold, 2,000-fold increase in activity in the area over the last 10 years. But I wonder if you could tell us if that's also the case nationwide for both shelters and also counseling projects and solutions to the problems?

Ms. CRAWFORD. The number of 46 represents the number of projects of Junior Leagues in the United States. Those are not all shelters. Some of them are other domestic violence programs.

We don't have any statistics on exactly how many shelters exist in the United States. We do know that increasingly each year more and more leagues are asking the association for assistance and encouraging the association to take a stand on the national level, as they become more and more involved on a local and State level. And they are definitely becoming more involved.

Mr. BARTLETT. Do you find this is the kind of project that your local groups actively want to participate in?

Ms. CRAWFORD. Yes, I think it is. One of the reasons may be that it offers many opportunities for volunteer participation from counseling to hotline to advocacy.

Mr. BARTLETT. Are you finding a positive reception at the State level and in State government generally across the Nation?

Ms. CRAWFORD. Many leagues have been very successful in their own States, for instance, in advocating for the marriage.surcharge or the tax on marriage licenses, to help fund domestic violence programs among other leagues, and other States are working hard to have that happen in their own State.

Mr. BARTLETT. I'm informed there was testimony earlier this morning that there may be as many as many as 600 to 700 shelters nationwide. Is it generally your observation that that is typically a new phenomenon, that those shelters—not all of them—but the increased attention to those shelters and building those shelters generally occurred over the past several years?

Ms. CRAWFORD. That would be my personal guess, yes.

Mr. BARTLETT. Mr. Gentry?

Mr. GENTRY. That's very definitely true in Tennessee.

Ms. CRAWFORD. They're still inadequate numbers, however.

Mr. BARTLETT. No doubt. And growing, but perhaps not fast enough. I suppose what these hearings will lead to—and I think these hearings are very useful in determining what's happening now, the level of the problem which continues to be a very, very serious problem nationwide. We also need hearings into what is happening to deal with the problem in various ways. Mr. Gentry mentioned that shelters are not the only option, although shelters do become necessary as one of the needed, necessary options. No doubt about that. But there are other options that have to be a part of the overall solution.

But as States and localities and private organizations begin to take an increasing and accelerated role in this, one of the purposes of these hearings will be to flesh out what is happening now and what's happened in the last 5 years in the real world and what people are doing about it.

There may well be a Federal role in this. I would hope that this committee wouldn't begin with the assumption that there has to be a Federal role because States and local governments and private organizations are doing such a good job that we, the Congress, don't want to be left out. I would hope that as we examine what is being done we can, in fact, identify what Federal role may be helpful and we can prevent or keep ourselves from the temptation to simply want to involve ourselves so that we can say that we got involved.

There is always the danger that a Federal role could become preemptive, and I think that's a danger if we go too far, that is, then the junior leagues of the world or the States, organizations, city governments, and other people would then go on to another project because they would erroneously think the Federal Government is going to take care of it.

There may well be a Federal role in some areas that may not be apparent, such as coordination of interstate child support laws, and

enforcement of child support laws once this separation is made. There may be better coordination. I know there should be better coordination of title XX funds and food stamps and family guidance funds and other kinds of community service funds to make sure that they are focused properly into this area and through the shelters.

So, I think that will be, as I see it, the purpose of these hearings: to try to identify where that appropriate Federal role that doesn't preempt good things that are happening otherwise, will be. And I thank the witness.

Mr. MURPHY. Thank you. Mr. Miller?

Mr. MILLER. Thank you, Mr. Chairman. I want to thank the witnesses. I guess unfortunately and tragically, your testimony is not really much different, except the numbers are much larger and the incidence is much greater than was testified in the 96th Congress and the 95th Congress, and the debate over whether or not there should be a Federal role, I think, is almost moot.

We had a Federal role at one time and this administration devasted that role, whether it was the cutbacks in LEAA or VISTA or CETA, which provided some personnel, some training, coordination among other programs at the local level to try to help this, and—but that is, for the most part, gone now. But the problem doesn't go away. And we can talk about coordinating title XX funds, but title XX funds are where they were in 1965.

So, I think that the opposite is the case, that the effort that is being made by the league and by local communities and by State legislatures suggests to the Congress very strongly that this is, in fact, a national problem, and that the numbers currently outstrip even those best efforts, and those best efforts, unfortunately, are isolated. If you take the league projects, the requests and the money that you've provided and you take—well, if you take—somebody said 600 programs. If there were a thousand programs, they're isolated. One of those programs is one program in the District of Columbia with its population.

One of those programs is one program in the district I represent, of serving maybe close to 600,000 or 700,000 people. So, to suggest that it's being handled adequately, I think, would be a very, very bad mistake by the Congress, and I think what these hearings show is a continuation or substantiation of the evidence of the problem and good faith attempts to try to deal with it by the local community. But I think it also commands the kind of legislation that Ms. Mikulski, Ms. Boggs, myself, the chairman and others have offered, and I think it's incumbent to this committee that we either look for a vehicle to immediately attach that legislation to or we pass that legislation out of this committee and get it on its way, because, unfortunately, this is not one of the problems that waits for help. It continues, absent the presence of that help.

And I just think that you're to be commended for your efforts in coming forward and giving the testimony that you have, and for your involvement in this problem. And I think you're representative, not just of the league, but of an awful lot of local organizations that have determined that this is destructive to their neighborhoods, to their families, and to their community, and they want it dealt with.

I know what the struggles have been with the shelters in the San Francisco Bay area, and I just don't think we should leave the well-being of these people—we should encourage, as Congresswoman Mikulski says, "the bake sales" and the intent of that legislation is to reward that effort, that we will join you as a partner. We won't take over the sole obligation but we will join local and State efforts, and voluntary efforts, and try to stretch those dollars a little bit further.

But at the same time, I think that there's no doubt that that effort by the Federal Governnent is now absolutely mandated by the continuation of the tragic evidence that panel after panel brings to this committee and that we read about in our hometown papers on a daily basis.

And I just think that we've got to now immediately look for legislative avenues to push this legislation through this term of Congress. Thank you for being a part of that.

Ms. CRAWFORD. Thank you, sir.

Mr. MURPHY. Thank you very much, Mr. Miller.

I want to thank the panel very much and we'll call the final witness, Mr. Reuben Greenberg, chief of police, Charleston, S.C.

[The prepared statement of Reuben M. Greenberg follows.]

PREPARED STATEMENT OF REUBEN M. GREENBERG, CHIEF OF POLICE, CHARLESTON, S.C.

Mr. Chairman, thank you for inviting me to testify before your Subcommittee on the subject of domestic violence. This morning I am speaking on behalf of the 86 police chiefs and sheriffs from the nation's larger jurisdictions who are members of the Police Executive Research Forum. A national professional organization dedicated to improving the quality of police services, the Forum has been working since 1978 to improve police officers' capability to handle domestic violence calls. Under contract from the Law Enforcement Assistance Administration and the U.S. Department of Health and Human Services, we have produced three publications on the subject: ("Responding to Spouse Abuse and Wife Beating: A Guide for Police" (1980); "Spouse Abuse: A Curriculum Guide for Police Trainers" (1981); and "Working with Police: A Practical Guide for Battered Women's Advocates" (1982)) and, currently, using private foundation funds, we are conducting a demonstration program with four police departments (Albuquerque, NM; Charleston, SC; Memphis TN; and Newark, NJ) to develop model guidelines for police procedures in domestic violence cases.

The reason why the Police Executive Research Forum has made domestic violence one of our top priorities for the past five years is because we police, who are often the first and only outsiders to become involved with these families, understand, as few others can, the magnitude of the problem and how it pervades every class, race and occupational group in America. Police officers see first hand the devastating human suffering and injury resulting from these assaults—the broken bones, blackened eyes, bloodied faces, knife and gunshot wounds, and body bruises. We also experience the frustration and anguish suffered by battered women who are repeatedly assaulted and cannot find a safe refuge for themselves and their children anywhere in their community.

Police also understand the repetitive cycle involved in the abuse syndrome. Experiences quickly teach police officers that if we respond to a household two or three times that the family will probably become among our "regular customers." We also understand the increasing severity of each abuse incident—the slap which leads to a shove which leads to a punch which leads to a deadly assault.

As police officers, we also see, as few others do, the fear and bewilderment of the children who witness or become victims of these assaults. Often these children are themselves abused and, as they grow up, we frequently encounter them as delinquents, prostitutes, runaways or drug abusers.

As police administrators, we also understand the enormous fiscal costs that domestic violence places on our resources. Domestic-related calls for service represent anywhere from 15 to 25 percent of many urban police agencies' workloads and the calls involving the use of force comprise one-third of all domestic calls. Moreover,

each domestic call usually requires police officers to spend anywhere from 45 minutes to one hour in the home.

As police administrators, we are keenly aware of the serious nature and danger involved in domestic violence, as these calls result in all-to-frequent police officer death and disabling injuries. The FBI reports that, from 1976–1980, 32 percent of assaults on police officers and 16 percent of all police officer deaths occurred while handling disturbance calls.

As law enforcement officials, we understand that these dangerous and deadly domestic violence calls constitute criminal behavior of the most serious nature. While this morning you will hear a great deal about "domestic violence," "spouse abuse" and "wife beating," I prefer to discuss the problem in terms of the behavior involved, namely: homicide, aggravated assault, assault with intent to kill, rape, battery, assault, theft, harassment, terroristic threats, malicious mischief and disturbing the peace. I am also talking about frequent weapon use, primarily hands and fists, firearms and knives.

Mr. Chairman, I regard domestic violence as a serious crime problem that threatens the survival of our family structure and impairs the social fabric of every community in this nation. It is, I believe, a leading cause of divorce and a major contributing factor in juvenile delinquency and adult criminal behavior.

It is without reservation, Mr. Chairman, that I say to this Subcommittee that I regard spouse abusers as habitual, hardcore offenders who deny responsibility for their acts and blame their victims for the violence. Until recently, these offenders have enjoyed immunity from public censure because their crimes were committed behind closed doors in the sanctity of their homes. They also felt protected by the remnants of our legal tradition which expressly endorsed, until 1871, the right of a husband to inflict physical punishment on his wife and by our social customs which have regarded spousal assaults as private family matters to be resolved without outside intervention. These offenders also felt impunity to continue their violent acts because of the failure of any social institution to respond to the problem in a serious and consistent manner.

But times are changing rapidly. Since 1976, nearly every State in the union as enacted legislation aimed at reducing domestic violence. In addition to providing much-needed funding for battered women's shelters, many statutes have authorized courts to issue protection orders as a civil injunction against future violence and expanded police arrest authority for warrantless misdemeanor assaults. This expansion of police authority is a critical step in preventing further abuse. By arresting more abusers, police officers communicate to the parties that the abuser has committed a crime, that the victim has a right not to be beaten, and that the criminal justice system will take action—such as a jail term or court-supervised treatment for abusers—to stop the violence. And we know from a recent Police Foundation study of Minneapolis police responses to domestic violence that arrests do reduce subsequent acts of violence. The study ("The Specific Deterrent Effects of Arrest for Domestic Assault: Preliminary Findings" March 1983) found that arrests were twice as effective as mediation or separation of the parties in reducing repeat acts of violence.

It is the position of the Police Executive Research Forum that arrests should be required in cases involving serious injury, the use or threatened use of a weapon, or violation of a protection order. Further, we believe arrests are adivsable in cases involving a freshly committed misdemeanor assault, a second call to the police within a seven-day period, or where the safety of the victim is in imminent danger.

Equal in importance to police officers' expanded arrest authority is the continued existence of battered women's shelters in our communities. Victims must have immediate access to safe shelter and protection from further abuse. They must be given an opportunity to receive emotional support, legal information, and counseling about available jobs, housing and child care. I can tell you, as a police officer, of no greater frustration than responding to a domestic violence call and knowing that if I cannot get the woman to a safe place, she will be beaten again as soon as her partner posts bail or returns from a "cooling off" walk around the block.

While there have been many statutory changes and new programs started during the past decade aimed at reducing domestic violence, we have barely scratched the surface in terms of addressing the problem in any significant way. Mr. Chairman, I am here today to ask for your help in this regard. I am asking you, on behalf of battered women and their children and on behalf of police officers who risk their lives every day to answer their calls for help, to provide the necessary resources and assistance that will put a stop to this intolerable violence.

I am asking, specifically, that you consider four areas of assistance:

(1) The first priority of any Federal assistance must be to assure safe and secure refuge for every battered woman and her children who seek it. Funds are needed not only to establish additional shelters, but to provide services, food and clothing for their residents on a day-to-day basis. From my own experience, I know there is a dire need for additional shelters. In the greater Charleston area there are an estimated 32,000 battered women and we have only one shelter with 16 beds. And even this shelter faces a never-ending scramble for money just to keep its doors open and meet its payroll.

(2) The second priority I recommend is funding for police training. Currently, nine States statutes require domestic violence training for police,[1] but additional States are recognizing this need and beginning to offer training programs.[2] I believe the most economical way to achieve the necessary training is to hold regional domestic violence seminars across the country for police trainers or to wrok through each State's law enforcement training council. Whatever the mechanism, police agencies are in dire need of training curricula, films, and speakers on domestic violence. All of these cost money and require technical assistance as how best to proceed.

(3) The third priority I suggest is funding for treatment programs for batterers. We need to train the clinical personnel who will work with abusers but also to fund the programs and conduct community education activities.

(4) Fourth, and finally, I urge you to re-establish a federal office on domestic violence to focus national attention on the problem and to provide appropriate technical assistance and information exchange services. This office should be empowered to coordinate the various federal agencies' activities that have an impact on reducing domestic violence.

Before I conclude my remarks, Mr. Chairman, I would like to spend a few minutes describing the current state-of-the-art regarding the police response to domestic violence calls. I want this Subcommittee to be aware of the progress police have made during the last five years but also to emphasize the need to find ways in which these changes can be implemented in the nation's 17,000 law enforcement agencies.

As you know, during the last decade police agencies have been singled out for particularly harsh criticism by battered women's advocates for arrest-avoidance policies and a lack of concern for domestic violence victims. A 1982 report by the U.S. Civil Rights Commission ("Under the Rule of Thumb: Battered Women and the Administration of Justice") summarized these criticisms as follows:

Police decisions, including departmental policies and the practices of individual officers, affect the justice system's ability to protect the legal rights and physical safety of battered women.

Police traditionally have viewed most incidents of spouse abuse as private matters that are best resolved by the parties themselves without resort to the legal process.

Police generally are reluctant to respond to domestic disturbances, which the officers view as dangerous to themselves, emotionally charged, and difficult to resolve. Some police departments do not require officers to respond to such calls, while other departments assign the calls low priority.

Many police departments apply formal or tacit arrest-avoidance policies to domestic violence cases.

Police officers are trained and encouraged to apply mediation and conciliation techniques in cases involving criminal spousal assault, where such techniques are inappropriate.

Instead of taking appropriate police action, officers frequently recommend that domestic assault victims seek civil legal remedies or file private criminal complaints.

Police officers frequently try to separate the assailant and victim for a short time, rather than make an arrest. In such cases, shelter facilities for battered women and their children provide a vital service.

Existing reporting practices handicap police ability to deal effectively with domestic assault cases and unnecessary limit the amount of available information about spouse abuse.

The members of the Police Executive Research Forum took these and other criticisms seriously and, as I mentioned earlier, we have been working since 1978 to develop effective policies, procedures and training programs to increase officers' use of arrests and referrals in these cases. The four-site demonstration program the Forum is currently conducting, and in which my police department is participating, is taking a department-wide and community-oriented approach to reducing domestic

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[1] Alaska, Illinois, Maine, Nebraska, Nevada, Ohio, Virginia, Washington and Wisconsin.

[2] Most notably New Mexico, New Jersey, New York, Pennsylvania and Texas.

violence.[3] First, we examined how each division within our department—911 operators and dispatches, patrol officers, supervisors, detectives, data analysts, and trainers—can improve their domestic violence procedures. Second, we issued a new operational order on domestic violence which spells out in detail how patrol officers are to handle these calls. Third, we designed, in coordination with the battered women's shelter director and the city prosecutor, a new four hour in-service training program on domestic violence which all patrol officers were required to complete. Fifth, we instituted comprehensive data collection and follow-up procedures on all our domestic-related calls for police service. Our officers are now required to complete a separate report on all domestic cases in which an arrest is not made. Reports are then sent to one of our police officers who telephones each victim, informing her of legal options and available social services. If the police officer notices from the reports a pattern of frequent or recurring abuse, she asks a team policing investigator to visit the home and conduct more indepth intervention.

We are also involving community agencies in developing our new domestic violence procedures. Staff from the county mental health agency, battered women's shelter, city prosecutor and hospital emergency rooms have all been consulted and provided us with brochures for our officers to distribute to victims.

Other activities conducted by the other three police departments involved in the Forum's demonstration program are: specific training of 911 operators and dispatchers (Newark); a 90-day field test experiment in one police district to assess the impact of increased misdemeanor arrests on the incidence of subsequent violence (Albuquerque); and the development of video cassettes for roll call training on the nature and causes of domestic violence and on proper procedures for referring victims to the battered women's shelter (Memphis). All four departments have developed and implemented new in-service domestic violence training programs, are exploring ways for 911 operators to screen these calls more effectively and are requiring officers to file more accurate reports on all domestic-related cases. In Newark, for instance, the new New Jersey Law on domestic violence requires (as of January 1, 1983) officers to complete a separate form on all domestic violence cases. During the first four months of 1983, Newark police officers generated 1097 domestic violence reports, 41 percent in which the officer determined that a crime had been committed. Arrests were made in 267 cases.

What we are learning through this demonstration program is that there are practical steps the police can take to prevent subsequent acts of violence. We are learning that tougher arrest policies, improved training programs and increased use of referrals can result in an overall reduction in both domestic-related calls for service and injuries to police officers. We are also seeing reductions in the number of minutes officers spend on each domestic violence call, as well as increases in the number of cases prosecuted and abusers ordered to court-supervised treatment programs.

I would like to call to your attention that police departments across the country have adopted, with the help of battered women's advocates, new procedures on domestic violence (for examples, see Attachment A for procedures from the San Francisco and Chicage police departments) and others have designed impressive new training programs. I'd like to submit for the record the domestic violence training bulletins from the Oakland and Newark police departments as examples of high quality effort. I would also, Mr. Chairman, like to submit for the record two manuals on domestic violence for law enforcement officers, one prepared by the Illinois Coalition Against Domestic Violence and the other by the Spouse Abuse Unit in the San Francisco Prosecutor's Office. These manuals are complete training packets, complete with sample forms and handouts, and examples of which I hope would be developed in every state for police, prosecutors and judges.

Mr. Chairman, there are police agencies across the country that are aware of the severity of the domestic violence problem and are trying to find effective ways to end the violence. Unfortunately, far too many police departments are still lagging behind and not revising their procedures and training programs. We need to develop a mechanism, with the help of federal and state resources, to involve more departments in these changes and provide them with the necessary materials and training resources to assist their officers.

In conclusion, I thank you for the opportunity to tesitfy before this Subcommittee on this most serious and deadly crime problem. I hope these hearings are the beginning of what will be a concerted effort on the part of the federal and state governments to address domestic violence in a significant and serious manner. I hope we

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[3] This program is funded by the Levi Strauss Foundation, the Florence Burden Foundation, the Chicago Resource Center, and the Playboy Foundation.

can all join together to send a clear and consistent message across this country that the abuse and betrayal of children must end; that male violence against women must stop; that battering of elderly parents must stop; that in this country, the violence will not be tolerated and the violent family members will be condemned and held accountable to change their violent behavior.

Thank you very much, Mr. Chairman.

Reuben M. Greenberg

Chief Reuben M. Greenberg was appointed Chief of Police of the Charleston City Police Department on 12 April 1982.

He as formerly the Under Sheriff of the San Francisco County Sheriff's Department; Major with the Savannah, Georgia Police Department; Chief of Police in Opa-Locka, Florida; Chief Deputy Sheriff of Orange County Florida Sheriff's Department; and Deputy Director of the Florida Department of Law Enforcement, Division of Standards and Training.

Chief Greenberg received a BA Degree from San Francisco State University in 1967, a Masters Degree in Public Administration from the University of California, Berkeley, in 1969 and a Master Degree in City Planning also from the University of California, Berkeley, in 1975.

He was Assistant Professor at California State University where he taught sociology. He taught political science at the University of North Carolina at Chapel Hill and criminal justice at Florida International University. He has authored several police related articles.

Chief Greenberg is a member of the Police Management Association, National Association of Black Law Enforcement Executives, International Association of Chiefs of Police and the American Association for Professional Law Enforcement.

[Chicago Police Department, Patrol Division Special Order 78-18, August 11, 1978]

Battered Females

General Order 78-1 and 78-4

I. PURPOSE

This order:

A. emphasizes the importance of proper police response to calls for service which involve females who are victims of a battery or assault, and

B. identifies procedures for handling batered female calls.

II. BATTERED FEMALE CALLS

Calls for service by females who have been the victim of a battery or assust are not to be considered Domestic Disturbances. In a domestic disturbance, no serious crime has occurred, and the function of the officer is to restore order, whenever possible, without resorting to arrest. Once a crime is alleged to have occurred, however, the incident should not be considered a domestic disturbance and an arrest should be made or warrant advised, if the preliminary investigation substantiates the allegation.

III. PROCEDURES OR BATTERED FEMALE CALLS

Police Officers conducting preliminary investigations on Battered Female calls will:

A. Determine whether or not a crime has occurred or is occurring.

B. If a crime has occurred:

1. In case of serious injury, or if the victim is unable to sign a complaint, arrest the offender if he is still on the scene.

2. If the injury is not serious and the offender is still on the scene:

a. advise the victim that the offender can be arrested on a signed complaint.

b. advise the victim that she can obtain a warrant at a later date if she declines to sign a complaint and provide her with the information necessary (including court branch address) to obtain a warrant.

c. ensure that both parties agree to some type of non-arrest remedy if no arrest is made.

3. If the offender has left the scene:

a. advise the victim that a warrant or summons can be obtained at a local court branch and provide the address of that court branch.

b. provide information to the victim on where she can obtain legal assistance, counseling, and, if required, shelter. (The Department of Human Services has a 24 hour telephone service—744-4045).

4. Prepare the appropriate case report.

C. If a crime is in progress:

1. Arrest the offender and complete the necessary reports.

2. Sign the complaint, if necessary.

EARL R. JOHNSON,
Chief of the Patrol Division.

[San Francisco Police Department General Order]

DOMESTIC VIOLENCE

The purpose of this order is to set forth new policies and procedures for domestic violence cases and temporary restraining orders therefor.

I. GENERAL PROVISIONS

A. Domestic violence is defined as any harmful physical contact or the threat thereof between persons who are spouses or cohabitants or who have previously been spouses or cohabitants.

B. Members shall treat all alleged domestic violence as alleged criminal conduct. Members shall treat requests for police assistance and criminal investigation from victims of domestic violence the same as all other requests for assistance in cases where there has been physical violence or the threat thereof.

C. Dispute mediation shall not be used as a substitute for appropriate criminal proceedings in domestic violence cases where physical violence has occurred.

D. The existence of the elements of a crime and/or the willingness of the victim to sign a Citizen's Arrest Card shall be the sole factors that determine the proper method of handling the incident. The following factors, for example, are not to influence the officer's course of action in domestic violence incidents:

1. The marital status of the suspect and the complainant;
2. Whether or not the suspect lives on the premises with the complainant;
3. The existence or lack of a temporary restraining order;
4. The potential financial consequences of arrest;
5. The complainant's history of prior complaints;
6. Verbal assurances that violence will cease;
7. The complainant's emotional state;
8. Injuries are not visible;
9. The location of the incident (i.e., public or private);
10. Speculation that the complainant may not follow through with the criminal justice process or that the arrest may not lead to a conviction.

E. In accordance with State law and standing Department procedure (e.g., General Order 27 of 1976, Warrantless Arrest), an arrest shall be made in a domestic violence incident when there is reasonable cause to believe that a felony has occurred.

F. Where an officer has reasonable cause to believe that a misdemeanor has occurred in his presence in a domestic violence case, the suspect shall be cited or arrested according to the provisions of General Order I-3, Misdemeanor Citation Release Policy and Procedure.

1. In evaluating the likelihood of a "continuing offense" (one of the statutory conditions under which an arrest rather than a citation is required), officers shall consider the following factors:

a. Whether the suspect has a prior history of arrests or citations involving domestic violence;

b. Whether the suspect has previously violated valid temporary restraining orders;

c. Whether the suspect has a prior history of other assaultive behavior (e.g., arrests/convictions for battery or aggravated assault);

d. Statements taken from the complainant that the suspect has a history of physical abuse;

e. Statements taken from the victim expressing fear of retaliation or further violence should the suspect be released.

G. When the elements of a lawful arrest are present, officers shall inform complainants of their right to make a citizens arrest. Whenever possible such discussion shall be held out of the presence of the suspect.

H. Officers shall not dissuade complainants from making citizens arrests.

I. When a complainant requests an officer to remove a person from the premises and it can be shown that the complainant is in lawful possession of the premises (for example, by showing a rental agreement, cancelled rent check, lease, grant deed, rent receipts or other documents, or verification from apartment manager), and the person desired to be removed is not in lawful possession of the premises, the responding officer shall:

1. Request the person to leave the premises and standby until the person removes his belongings.

2. Should the person refuse to leave upon request, the suspect shall be arrested, and thereupon cited and released, unless one of the exceptions to the Department's citation release policy exists.

J. When a complainant in a domestic violence incident requests police assistance in removing a resonable amount of personal property (e.g., a suitcase) to another location, members shall standby a reasonable amount of time until the complainant has safely done so.

K. If a complainant claims injuries, whether visible or not, which require medical attention, officers shall administer first-aid as appropriate and offer to arrange for proper medical treatment.

II. TEMPORARY RESTRAINING ORDERS

A. In domestic dispute incidents where a person advises a member of the existence of a temporary restraining order pertaining to the dispute, the member shall attempt to ascertain if such an order is on file with the Department.

1. Temporary restraining orders are filed in the Records Division (Identification Section), and entered into the CABLE system. The radio query to inquire about such orders is "10-29 Person" giving the suspect's name, address and date of birth, and the location of the disturbance by street address.

2. the response available to a "10-29 Person" query is whether or not such an order is on file for a particular individual at a particular location. The exact terms of an existing order may be obtained by calling the Identification Section, 553-1415.

B. Members shall affect an arrest when there is reasonable cause to believe that the subject of the temporary restraining order has violated the order in the presence of the member, and one of the following conditions has been met:

1. The existence of the order and proof of service on the suspect has been verified by the member; or

2. The complainant produces a copy of the order and the proof of service on the suspect, each bearing the file stamp of the court.

3. Violators shall be cited or booked on Penal Code Section 273.6 in addition to any other violations charged, such as aggravated assault, battery or trespass.

C. When a member verifies that a restraining order exists, but cannot verify proof of service on the subject, the member shall:

1. Inform the suspect of the terms of the order;

2. Admonish the suspect of the order that he is now on notice and that continued violation of the order will result in his arrest; and

3. Inform the complainant of the necessity of recording proof of service with the Department.

D. When no temporary restraining order exists, or the existence of a temporary restraining order cannot be verified by the Department and the complainant cannot produce a copy and proof of service bearing file stamps of the court, or when the basis for a custodial arrest does not exist, the complainant shall be advised of his right to make a citizen's arrest.

III. PROCEDURES

A. All incident reports made involving domestic disputes shall be marked with both the primary offense followed by a slash mark and the words "Domestic Violence" (e.g., Aggravated Assault/Domestic Violence).

B. The Report Review Officer shall code all incident reports involving domestic disputes with the incident classifications for both the primary offense and domestic violence.

C. Commanding officers and officers-in-charge shall ensure that members of their command comply with the provisions as set forth in this order.

This order cancels and supercedes General Order 22 of 1977 and Rule 12.07 of the Rules and Procedures.

By order of:

CORNELIUS P. MURPHY, *Chief of Police.*

STATEMENT OF REUBEN M. GREENBERG, CHIEF OF POLICE, CHARLESTON, S.C.

Mr. GREENBERG. Thank you, Mr. Chairman.

Mr. MURPHY. Good morning. You may proceed.

Mr. GREENBERG. Thank you.

Mr. Chairman, members of the committee, thank you for inviting me to testify before the subcommittee on the subject of domestic violence.

This morning I am speaking on behalf of the 86 police chiefs and sheriffs from the Nation's larger jurisdictions who are members of the Police Executive Research Forum, a national professional organization dedicated to improving the quality of police services.

The forum has been working since 1978 to improve police officers' capability to handle domestic violence calls and currently we are conducting a demonstration program with four police departments to develop model guidelines for police procedures in domestic violence cases.

The reason the Police Executive Research Forum has made domestic violence one of our top priorities for the past 5 years is that because we police, who are often the first and only outsiders to become involved with these families understand, as few others can, the magnitude of the problem and how it pervades every class, race, and occupational group in America.

Police officers see firsthand the devastating human suffering and injury resulting from these assaults, the broken bones, blackened eyes, bloodied faces, knife and gunshot wounds, and body bruises.

We also experienced the frustration and anguish suffered by battered women who are repeatedly assaulted and cannot find a safe refuge for themselves and their children anywhere in their community. Police also understand the repetitive cycle involved in the abuse syndrome. Experiences quickly teach police officers that if we respond to a household two or three times, that that family will probably become one of our regular customers.

We also understand the increasing severity of each abuse incident, the slap which leads to a shove which leads to a punch, which leads to a deadly assault. As police officers we also see the fear and bewilderment of the children who witnessed or become victims of these assaults. Often these children are themselves abused and as they grow up we frequently encounter them as delinquents, runaways, drug abusers, and spouse abusers themselves.

As police administrators, we understand the enormous fiscal cost that domestic violence places on our resources. Domestic-related calls for service represent anywhere from 15 percent to 25 percent of many urban police agencies' workloads and the calls involving the use of force comprise one-third of all domestic calls. Moreover, each domestic call usually requires police officers to spend anywhere from 45 minutes to 1 hour in the home.

As police administrators, we are keenly aware of the serious nature and danger involved in domestic violence. As these calls

result in all too frequent police officer deaths and disabling injuries. The FBI reports that from 1976 to 1980 32 percent of assaults on police officers and 16 percent of all police officer deaths occurred handling disturbance calls.

We understand that these dangerous and deadly domestic violence calls constitute criminal behavior of the most serious nature. While this morning I'm sure that you have heard a great deal about domestic violence, spouse abuse, or so-called wife beating, I prefer to discuss the problem in terms of the behavior involved; namely, homicide, aggravated assault, assault with intent to kill, rape, battery, theft, harassment, terroristic threats, malicious mischief, and disturbing the peace.

I'm also talking about the frequent weapon use, primarily hands and fists, but also quite often firearms and knives. I regard domestic violence as a serious crime problem that threatens the survival of our family structure and impairs the social fabric of every community in the Nation. It is, I believe, a leading cause of divorce and a major contributing factor in juvenile delinquency and adult criminal behavior.

It is without reservation that I say this to the subcommittee, that I regard spouse abuses as habitual, hard-core offenders who deny responsibility for their acts and blame their victims for the violence. Until recently these offenders have enjoyed immunity from public censure because their crimes were committed behind closed doors in the sanctity of their homes.

They also felt protected by the remnants of our legal tradition which expressly endorsed, at least until 1871, the right of a husband to inflict physical punishment on his wife, and by our social customs which have regarded spousal assaults as private family matters to be resolved without outside intervention.

But times are changing. Since 1976, nearly every State in the Union has enacted legislation aimed at reducing domestic violence. In addition to providing much needed funding for battered women in shelters, many statutes have authorized courts to issue protection orders as a civil injunction against future violence and expanded police arrest authority for warrantless misdemeanor assaults.

This expansion of police authority is a critical step in preventing further abuse. By arresting more abusers, police officers communicate to the parties that the abuser has committed a crime, that the victim has a right not to be beaten, and that the criminal justice system will take action such as jail terms or courts supervised treatment to stop violence.

We know from a recent police foundation study conducted by the Minneapolis Police Department that with regard to the responses to domestic violence, arrests do produce subsequent acts of violence. The study found that arrests were twice as effective as mediation or separation of the parties in reducing repeated acts of violence.

Of equal importance to police officers' expanded arrest authority is the continued existence of battered women's shelters in our communities. Victims must have immediate access to safe shelter and protection from further abuse. They must be given an opportunity to receive emotional support, legal information, and counseling about available jobs, housing, and child care.

I can tell you as a police officer of no greater frustration than responding to a domestic violence call and knowing that if I cannot get the woman to a safe place that she will be beaten again as soon as her partner posts bail or returns from a cooling off walk around the block.

While there have been many statutory changes and new programs started during the past decade that were aimed at reducing domestic violence, we have barely scratched the surface in terms of addressing the problem in any significant way.

Mr. Chairman, I am here today to ask you for your help in this regard. I am asking you on behalf of battered women and their children and on behalf of police officers who risk their lives every day to answer their calls for help, to provide the necessary resources and assistance that will put a stop to this intolerable violence.

I am asking specifically that you consider four areas of assistance. The first priority of any Federal assistance must be to assure safe and secure refuge for every battered woman and her children when they seek it. Funds are needed not only to establish additional shelters, but to provide services, food and clothing, for their residence on a day-to-day basis.

From my own experience, I know that there is a dire need for additional shelters. In the greater Charleston area, there are an estimated 32,000 battered women, and we have only one shelter with 16 beds. Even this shelter faces a never-ending scramble for money just to keep its doors open and to meet its payroll.

The second priority I recommend is funding for police training. Currently, nine State statutes require domestic violence training for police, but additional States are recognizing this need and beginning to offer training programs. I believe the most economical way to achieve the necessary training is to hold regional domestic violence seminars across the country for police trainers, or to work through each States law enforcement training council.

Whatever the mechanism, police agencies are in dire need of training curricula, films and speakers, on domestic violence. All of these cost money and require technical assistance as to how best to proceed.

The third priority I suggest is funding for treatment programs for batterers. We need to train the clinical personnel who work with abusers but also to fund the programs and conduct community education activities.

Fourth and finally, I urge you to re-establish a Federal office or commission on domestic violence, to focus national attention on the problem and to provide appropriate technical assistance and information exchange services. This office should be empowered to coordinate the various Federal agencies' activities that have an impact on reducing domestic violence.

In conclusion, I would like to call your attention to the fact that police departments across the country have adopted, with the help of battered women's advocates, new procedures on domestic violence and new training programs. I'd like to submit for the record the domestic violence training bulletins from the Oakland, Calif., and Newark, N.J., police departments as examples of high quality efforts in this regard.

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I would also like to submit two manuals on domestic violence for our law enforcement officers, one prepared by the Illinois Coalition Against Domestic Violence and the other by the Spouse Abuse Unit of the San Francisco Prosecutor's Office. These manuals are complete training packets which I hope could be developed in every State for police, prosecutors, and judges.

I thank you for the opportunity to testify before this subcommittee on this most serious and deadly crime problem. I hope that these hearings are the beginning of what will be a concerted effort on the part of the Federal and State governments to address domestic violence in a significant and serious manner. I hope that we can all join together to send a clear and consistent message across the country that the violence will not be tolerated and that violent family members will be condemned and held accountable to change their violent behavior. Thank you very much.

Mr. MURPHY. Thank you, Chief Greenberg. Your testimony has been very helpful. The testimony that you are presenting to us is most enlightening, I am sure, to most of the committee members. We'll make copies of portions of the manuals for all the members of the subcommittee.

Mr. Miller, do you have any questions or comments?

Mr. MILLER. I would just want to thank you and I think that your testimony is part of an emerging testimony by law enforcement communities that it's absolutely important that this is criminal behavior, that the voices must be raised against individuals who would assault and batter, and I think the terms that you have put it in, in terms of that kind of activity, is most important, that policymakers come to understand what is, in fact, taking place. That the home does not provide a sanctuary for criminal activity. Also, I think, it's clear, again, there's a growing amount of evidence as to the tremendous price that peace officers pay when they're called to the scene of this kind of activity.

I know I've spent time riding with various police departments around the country and each of them discuss the need to have an alternative when they arrive at that scene, you know, a whole quiverful of arrows that they can put at their disposal, depending upon what they find when they get there. Whether it's a shelter or whether it's arrest, or separation, or many of the things that the foundation is embarked upon, to address this problem.

There is not a single solution. But it's those alternatives that the peace officer has available to him right then and now in terms of stopping the future violence. Your testimony is very, very welcome and you have already developed the curriculum, right? Is that already not completed?

Mr. GREENBERG. That's correct, for our particular department.

Mr. MILLER. Would you be comfortable saying that you would suggest that it's good enough that it should be disseminated?

Mr. GREENBERG. Well, I think that we're involved in a program right now with the Albuquerque, N.M., Police Department, Newark Police Department, and our own department, in a study conducted by the Police Executive Research Forum in regards to how best to handle varicus kinds of domestic problems. Not only just husband and wife but father-son and so forth; how to respond to these types of situations.

We're not—while we have various kinds of procedures in each one of these departments that we currently employ, nonetheless, we're continuing research in that particular regard.

The most important thing that I think that's important to me as a police officer is something that you mentioned a few minutes ago. That is we must have a place, an alternative, to remove a person who is battered or is likely to be battered, from the violent situation. If there is no place for them to go, then nothing else that we would do would make much sense. That's got to be the most important function.

Mr. MURPHY. May I interject, what do you do, chief, when there is no room?

Mr. GREENBERG. Well, what we do usually, in our department, we have a very high arrest oriented type of procedure, and the reason why it's an arrest oriented type of procedure is very simple. Very few people batter females when they're in jail, and we understand that. The thing that we are prepared to do in that type of situation is to separate the parties.

Mr. MURPHY. And you have room in your shelter for them?

Mr. GREENBERG. Yes. We have room in our shelter for them. Or, if we don't have it, we'll make room.

[Laughter.]

Mr. GREENBERG. The situation is that when we go to a scene, there are four types of battering problems in the domestic violence situation you heard about this morning, sexual battering, emotional, psychological battering, physical battering, and destruction of property. Insofar as the destruction of property, we have very little impact because usually the property is jointly owned. So far as the sexual battering and so forth, between married persons, again, for obvious reasons, we have, because they are married persons, very limited impact.

With regards to the emotional aspect of it, police officers are not trained in that area and police departments are not designed and organized to protect people from emotional types of issues. It's the physical abuse area where someone either has been hurt or is likely to be injured that the police must take a role in.

On many occasions I've gone to scenes in the past where I couldn't do anything because the crime had not been committed in my presence. I'm very happy to say in South Carolina that is no longer true. Our supreme court has ruled that we can make warrantless misdemeanor arrests in freshly committed crimes, within an hour or so of our arrival. this has made a tremendous difference because it gives us a virtual guarantee that we can separate the parties, either by having the wife go to find one of the 16 beds that we have in our area, or if not that, then to arrest the batterer and try to hold him in custody long enough for him to cool down.

Mr. MILLER. On that point, there's also a fair number of cases when you arrive on the scene that the perpetrator of the violence is not there.

Mr. GREENBERG. That's correct.

Mr. MILLER. He's fled the scene or he's gone to cool off or gone wherever he's gone. So, in that instance arrest is not available to you but the fact that the violence may reoccur several hours later or the next day——

Mr. GREENBERG. That's correct. We don't arrest in every single case. We look at the particular circumstances involved.

However, of the various options, mediation, separation, you know, "Go spend the night in the motel," and so forth, the one that is most effective and for us "effective" means you don't have any more problems that night, or probably for the next 3 or 4 days, is the arrest option.

You have to, like with any other criminal, you have to raise the cost of engaging in that type of behavior. And when you arrest the person, you have raised the cost or the risk factor of engaging in that type of behavior.

Mr. MURPHY. Any further questions, Mr. Miller?

Mr. MILLER. No. Thank you.

Mr. MURPHY. Mr. Bartlett?

Mr. BARTLETT. Chief, I commend you for the leadership you've taken as well as your organization and your department. Do you generally find throughout the country, you've cited a lot of different departments that you're working with, do you find in police departments throughout the country, they're receptive to this, to the curriculum you've developed, or to this new approach of putting emphasis on arrests, including the several departmentwide activities which you suggested, talking with the police dispatchers?

Do you find generally that police departments are receptive to changing their ways of doing things in this area?

Mr. GREENBERG. I've had the opportunity to work in law enforcement agencies in California, in Georgia, Florida, Oregon, and in South Carolina at the present time, and in the old days, and I'm talking about the old days when I was a police officer or sergeant, the orientation was to try to keep from making arrests. I think that we gave that particular approach a fair trial, about 10 or 12 years worth, and it just simply didn't deal with the problem.

It didn't take us too long before we began to move away from the kind of crisis intervention type of approach where you were doing everything in your power to prevent making an arrest in the situation and then, unfortunately, leaving the scene only to come back to find out that somebody has been knifed, shot, or worse.

Then I think most departments have moved away from that, and I believe that if you would go to not only the 86 police chiefs and sheriffs of the larger departments in the country that I'm speaking for today, but if you would go to the various rural areas throughout the country, you will find that officers are much more likely to make an arrest in a situation in which someone has been battered. Now, of course arrests—and every time we have come to a domestic violence situation, we do not make arrests because violence is not always present. Sometimes the violence is only imminent. In other cases the person who has been battered is very insistent that no arrests be made.

Their most important objective is to prevent the continuation of the particular violence, to stabilize the situation, so that it can cool off.

Mr. BARTLETT. Does your organization have plans to further disseminate this kind of information and to continue to research techniques and approaches?

Mr. GREENBERG. Yes, sir. Our—the Charleston Police Department is a leading law enforcement agency in the State of South Carolina. And many of the practices and procedures that we adopt after research and consideration are adopted by most of the other law enforcement agencies in our State.

Mr. BARTLETT. Have you seen, through your research or your own experience, do you see the incidence of domestic violence, do you believe it has increased over the last 10 years or decreased, or stayed about the same, or how would you characterize the incidence as a percentage of population?

Mr. GREENBERG. The problem changes depending upon a number of factors. Interestingly enough, as the divorce rate tends to increase, the particular families that were once together and are now divorced or separated, living separately, of course, the problem is eliminated so far as those particular persons are concerned. A person might take that problem on with them to some other type of relationship.

But I would say that the problem has increased somewhat during the past 10 years. In the past 2 or 3 years I think that due to the economic situation there is a lot more of family violence than there has been in the past. Wives and, indeed, children are making demands upon the provider of the household for various kinds of goods and services that they were accustomed to and when he is unable, due to being laid off or not being able to find a job, to provide these demands, sometimes he reacts in a violent fashion, and that is—not that he resents the demands, but he resents the incessant repetition of the demands being made upon him and he simply can't comply.

We have seen situations where normally you would not have expected domestic violence to take place, to be very severe and to become increasing in those types of situations. But I think that type of situation, that aspect of the problem, will somewhat diminish as the economic situation gets better. But finally, you have to deal with what I believe to be the basic problem. Batterers don't batter people because they don't know any better. They batter people because they can get away with it, because they are very, very selective about whom they batter. They make a very careful and intelligent choice as to whom to attack and whom not to attack. And they attack women, they attack children, because they can get away with it.

Mr. BARTLETT. Thank you. I appreciate your testimony.

Mr. GREENBERG. Thank you.

[Material supplied by Rueben M. Greenberg follows:]

OAKLAND POLICE

TRAINING BULLETIN

DOMESTIC VIOLENCE AND
DOMESTIC DISPUTES

Bulletin Index Number: III - J

Master Alphabetical Index: Domestic Disputes

Domestic Violence

Publication Date: 1 Nov 79 (Revised)

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INTRODUCTION

The police peace-keeping function frequently requires officers to intervene in domestic disputes. Experience has shown that such disputes too often culminate in violence; i.e., assault and battery or homicide. Examples of domestic violence -- violent behavior between people who live together -- include a husband who beats his wife, a wife who beats her husband, and an unmarried person living with another person (of the same or opposite sex) who beats his or her cohabitant.

Domestic violence -- wife-battering, assaults on women by men with whom they have been involved -- is a social problem which has just recently been acknowledged. For centuries many men around the world have used physical violence to harass, intimidate, hurt, and punish women they perceived as deserving physical abuse or disciplining. Battered women are not merely threatened or slapped occasionally; they are often slammed against walls, beaten with bricks, coathangers, belts, and fists. Women have been burned with lighted cigarettes; pregnant women have been punched in the stomach. Woman battering is a crime which cuts across all class and race lines; batterers include doctors, ministers, and others usually considered pillars of the community.

Only recently has wife-beating become a focal point of public concern. Shelters have been established in some areas so that battered women can escape from violent environments. Consciousness-raising sessions have been held with battered women to help them cope with domestic violence. The criminal justice system is becoming more responsive to the legal and emotional needs of the battered woman.

To deal with domestic disputes realistically and effectively, and to reduce the level of violence associated with them, officers must be able to restore order, make arrests for violations of the law when appropriate, and, where possible, assist the disputants in finding lasting solutions to their problems -- solutions which will eliminate the need for repeated interventions by the police. Thus, domestic violence should be considered to be criminal behavior subject to handling by the police in a variety of ways: by arrests, mediation, and referral. The officer's approach to handling domestic disturbances should include both criminal investigation and problem solving by mediation and referral.

The procedures for restoring peace and making effective referrals which are set forth in this bulletin are designed primarily for intervention in nonviolent disputes between husbands and wives, but they can be applied to the entire range of domestic disputes.

Adherence to these procedures will result in the greatest protection to the officer responding to a dispute situation. It should be noted, however, that other precautionary measures, based on your training, personal experience, and evaluation of the factors relevant to each new situation, will often be required.

The attitudes and policies articulated in this Training Bulletin reflect the desire of the Oakland Police Department to assist battered individuals.

DEPARTMENTAL POLICY ON DOMESTIC VIOLENCE AND DOMESTIC DISPUTES

It is the policy of the Oakland Police Department to respond to every call involving a domestic dispute between citizens, and to consider domestic violence as criminal conduct which should be investigated as would any other crime.

In cases of domestic violence, arrests will be made in appropriate circumstances unless there are reasonable alternatives to arrest (as, for example, when a minor assault has been committed and the victim refuses to press charges).

The police role in domestic disputes, as opposed to domestic violence, is more often that of a mediator and peacemaker than an enforcer of the law. In dispute situations, officers frequently encounter a series of complex choices: they have an obligation to enforce the law, but within the terms of that obligation, they have some discretion in their use of the power to arrest. They must use this discretion wisely.

Experience has shown that, in many cases, failure to make an arrest leaves one party in a dispute at the mercy of the other and leaves the offender with the impression that he can continue to violate the law; for example, in a violent family fight which resumes after the officers depart, the wife may be at the mercy of a husband who feels "above" the law. In other cases, however, it is the arrest which aggravates the dispute, even leading to efforts by a subject to resist arrest.

Within the areas of domestic dispute intervention which are subject to discretionary decision making, officers should adhere to the policy that arrests shall be made when it is necessary to:

- protect life and property, and
- preserve the peace.

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INITIAL PRECAUTIONARY MEASURES

Prepare and plan. A brief moment of thought concerning the information provided by the Communications Division may make the difference between a safe and a dangerous contact.

To obtain the safest and most satisfactory results personally, as well as for the benefit of the citizens and the other officers involved in the incident, you should not behave routinely. By paying full attention at all times, you can assure the safety of everyone concerned.

Arriving at the Scene.

After arriving, do not proceed without a cover officer unless you have adequate reason to believe cover is not needed or unless the circumstances call for urgent intervention.

Maintain a low profile. Avoid any actions that would unnecessarily expose you:

- Your vehicle spotlight should not be shone into the windows of houses in the immediate area of the call. (Address numbers can be ascertained by looking at houses on the opposite side of the street.)
- Make your arrival as quiet as possible.
- Stop your vehicle one or two houses away from the call.
- Take advantage of the shadows or the area to the side of a walkway when approaching.
- The lead officer should carry the flashlight if one is needed. (If the second officer uses a light, he may inadvertently silhouette the first, making a target of him.)

Precautionary Checklist

Visually inspect the doors, windows, and roof of the dwelling for abnormalities which may indicate danger.

After dark, notice which rooms have lights on because those rooms are probably in use.

Pay attention to noise from the house because it can tell you something about the status of the dispute. What you hear before knocking on the door can help you gauge the danger of the situation.

Safety Procedures for Entering the Premises.

At the Door.

Do not stand directly in front of the door; a position by the doorpost leaves you less exposed to danger.

After you knock, wait until an occupant opens the door. This is usually safer than pushing your way in and finding yourself in an unpredictable, volatile encounter.

Through the Doorway.

Be alert when the door opens. You are not aware of the temperment or the mental state of the persons inside. This call may be merely an argument or it may be a homicide.

Look before you leap. If the lights are off at night, let your eyes adjust. If the family dog is in the living room, request one of the parties to shut it in a bedroom. Do not hurry through the doorway.

When you and your cover officer are inside the premises, shut the door behind you.

STAGES OF POLICE INVOLVEMENT IN DOMESTIC VIOLENCE AND DOMESTIC DISPUTES

On the average, each intervention usually lasts for 30 minutes. Thus, each stage of the procedures discussed in this section will usually be completed in a matter of minutes. Many of these techniques, such as those dealing with defusing, fact-finding, mediation, referral -- and arrest -- can be applied effectively in other contacts with citizens embroiled in disputes.

First Stage: Initial Contact

Weapons. If a weapon is involved, locate and take possession of it immediately. A weapon that has been used in an offense, or specifically involved in a threat against the complainant, can be confiscated and turned in for evidence if an offense report is prepared. If the complainant only fears that a weapon may be used, however, you cannot legally take the property for safekeeping, unless it belongs to the complainant.

Look carefully at the disputants. Note where weapons might be carried or concealed on their persons.

Other Safety Measures. Establish the whereabouts of every person in the house.

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Determine the general floor plan so that when a person leaves your presence you can tell where he or she is really going. The kitchen and other rooms where blunt or sharp instruments are available are unsafe places in which to attempt to settle a dispute.

Look at the floors for broken glass, etc. People who throw things when angry should be kept out of arm's reach of possibly dangerous articles.

Beginning the Intervention. The mere entrance of police officers onto the scene of a dispute always has a great impact and usually causes the people to stop their fighting or arguing, at least temporarily. If properly exploited, this impact can be used to lead the people to stop fighting altogether.

The object of the intervention at this stage is to take the disputants' attention away from each other and to direct it toward the police officer in such a way as to allow a breathing spell in which tempers may cool, thus making a subsequent resolution possible.

Upon first contact with the disputants, maintain a professional, calm demeanor and convey the idea that you are there to help:

- Introduce yourself by giving name and title.
- Explain that a call was received and that you would like to be of assistance.
- Determine by observation of the scene whether there are indications that violence has occurred (such as broken furniture or crockery, etc.).
- Determine by observation whether either party has sustained physical injuries.
- Remain impartial. Inform the parties that you are there to determine whether criminal activity has occurred or to see that there is no danger of serious trouble and to be of help, not to take sides or to judge the merits of the dispute.
- If a crime of physical violence is alleged or is obvious from the nature of physical injuries, it should be investigated as would any other crime of violence.
- As soon as you can, induce the disputants to sit down. If they seem potentially violent, keep them out of reach of each other. If necessary, the officers should place themselves physically between the disputants.

- Take the disputants into different rooms so that they can calm themselves and recover their poise. One officer should remain with each person. This separation may enable a woman to feel less intimidated and more free to tell the officer what happened.

- Do not come too physically close to the people. Everyone needs a certain psychological space in order to deal more easily with other people.

- Take the least authoritative approach possible while conducting the investigation. Giving orders can easily get you in trouble if your actions are interpreted as disrespectful to either party.

- Avoid any comments that may be interpreted as an insult. Examples: an attempt at humor may be interpreted as being treated lightly. An appeal to a male citizen to "act like a man" may be viewed as embarrassing and belittling. A request that the disputants "cut that out and tell us what happened" may be seen as condescending.

When no one in the household is willing to speak with you or if they insist that you leave, there is no need to attempt an intervention. (There is a need, however, to establish that neither party has been intimidated into silence.) You may leave if your investigation determines that no crime has been committed and there is no fight in progress.

Second Stage: Criminal Investigation and Officer Arrests

Domestic disputes can involve felonies or misdemeanor violations. When, after entering the residence, you find reasonable cause to believe that an assault, battery, or some other crime may have occurred, you must interview the complainant as fully as possible and investigate to determine whether a crime has been committed. If the complainant has been injured physically or alleges injury, determine whether the injury is one which results in a felony or a misdemeanor. If a crime has been committed, prepare a Crime Report and include in it a detailed description of the injuries. When appropriate, arrange for evidentiary photographs to be taken.

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It should be presumed that arrest is the most appropriate response in domestic violence crimes which involve apparent felonies, allegations of repeated acts of violence, situations where an offense is committed in your presence, and situations in which a citizen's arrest is demanded.

In exercising discretion as to whether to make an arrest, you may not consider the following as reasons not to arrest:

- that the suspect lives in the premises with the complainant;
- that there is no restraining order in effect;
- that there may be financial consequences caused by the arrest;
- that the suspect and complainant are married or had a prior or existing cohabiting relationship;
- that the complainant has made prior calls or is a chronic caller;
- that the suspect gives verbal assurances that he or she will not harm the complainant;
- that the alleged injury is minor, or not immediately visible;
- that the complainant may not be a willing participant in subsequent criminal proceedings; or
- that prosecution and conviction may not occur despite the existence of probable cause to arrest.

Felonies. It should not be assumed that domestic violence is generally misdemeanor activity. For example, battered women have sustained traumatic internal injuries to the stomach, breast area, portions of the head covered by hair, and the back, and pregnant women have been hit or kicked in the stomach. The absence of obvious external injury, therefore, does not mean that the victim has not been feloniously assaulted. If you suspect a crime of violence has been committed, ask the victim if he or she has suffered injuries that do not show. If you believe that the victim may have incurred internal injuries, urge him or her to seek immediate medical attention.

273.5 P.C. In 1977 the Legislature added Section 273.5 to the Penal Code:

> (a) Any person who willfully inflicts upon his or her spouse, or any person who willfully inflicts upon any person of the opposite sex with whom he or she is cohabiting, corporal injury resulting in a traumatic condition, is guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in the state prison or the county jail for not more than one year.
>
> (b) Holding oneself out to be the husband or wife of the person with whom one is cohabiting is not necessary to constitute cohabitation as the term is used in this section.

A traumatic condition has been defined as a wound or other abnormal condition of the body caused by external violence.

Prior to this enactment, it was a felony (under 273d P.C., which now applies only to children) for a husband to willfully inflict upon his wife any "corporal injury resulting in a traumatic condition."

The intent of the Legislature in making these changes was to allow an officer who arrives at the scene of domestic violence to make an arrest for an offense not committed in his presence without having to make a finding that the wife had suffered "serious bodily injury" (as is required by 243 P.C. for felony battery), and without having to require the injured wife to make a citizen's arrest or swear out a complaint for misdemeanor battery, which she may refuse to do if the violence has had the additional effect of intimidating her.

243 P.C. When family disputes become violent, the crime of felony battery is often committed. Battery becomes a felony offense:

> ...when it is committed against a person and serious bodily injury is inflicted on such person,...(243 P.C.).

As used in this section, "serious bodily injury" means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

Therefore, where probable cause exists to believe that a felonious assault has been committed which violates 273.5 P.C., and there is probable cause to believe that one of the parties to the dispute committed the felony, you may exercise your discretion to arrest without a warrant as is consistent with Departmental arrest policies. Arrest would be a proper use of discretion, for example, in a situation where a woman sustained a traumatic injury out of your presence but feels too intimidated to make a citizen's arrest for assault. You shall exercise your discretion to arrest where serious bodily injury clearly indicates a felony violation of 243 P.C. If the suspect is no longer present at the scene and probable cause exists to believe that the suspect committed the felony, you should initiate steps to apprehend the suspect.

Misdemeanors. As stated earlier, arrest shall be presumed to be the most appropriate response to crimes of domestic violence involving misdemeanor acts of physical violence committed in your presence. In the vast majority of cases, officers should exercise discretion in favor of arrest where probable cause to arrest exists.

Whenever a person is arrested for a misdemeanor and thereafter issued a misdemeanor citation and released, complete the appropriate boxes on a Resource Card and give it to the complainant. Instruct the complainant to show the card to responding officers if violence recurs in the immediate future and the police are called again.

Do not follow the cite and release procedure if you believe that physical violence or harm to the complainant will continue. This can be demonstrated by the complainant producing a Temporary Restraining Order (see below, Temporary Restraining Order) or a recent Resource Card indicating a misdemeanor arrest has been made and the arrestee previously cited and released.

If no basis for a police arrest exists, inform the complainant of his or her right to make a citizen's arrest (see below, REQUESTS FOR REMOVAL OF A PARTY TO THE DISPUTE).

Third Stage: Defusing.

With a bomb, to defuse means to reduce the potential for an explosion. In family disputes involving no domestic violence, the objective of defusing is to calm the disputants so that the quarrel ends and a meaningful talk with them becomes possible.

If the incident is a first-time occurrence, defusing principles should be employed. (Defusing should not be used as a substitute for an arrest when an arrest is appropriate.)

The process is only needed when:

- The disputants have become so enraged that they cannot talk to each other or the officers calmly.

- The disputants have reached a state of hysteria. People become hysterical when emotional strain reaches an intolerable level and they can no longer see any way to cope with a problem. In a person who feels victimized, hysteria may be brought about by frustration at the lack of an effective way to express anger (see Training Bulletin VIII - B, Victims of Violence).

When dealing with angry or hostile family disputes:

- Begin by calmly requesting routine information from the disputants. Speak firmly but calmly.

- If the disputants continue to show intense emotion, you can employ distraction as a gambit to divert them from their quarrel long enough to give you an opportunity to open a dialogue.

  Diversion: Sometimes a dispute can be quieted if a new subject is introduced unexpectedly. A police officer can distract disputants from some quarrels by asking whether something seems to be burning or whether a vehicle in the driveway belongs to one of the disputants.

  Silence: If you disappoint the expectation of the disputants that you will act quickly and, instead, wait silently, the disputants may find themselves distracted from their quarrel.

  Asking for Clarification: Although the nature of the dispute may be quite evident, it may be strategic to ask for clarification. Someone who is yelling or speaking excitedly, for example, may be requested to speak more slowly so that the officer might understand what he is saying. Usually the citizen will lose some of his anger when he tries to explain carefully the details of the situation.

  Encouraging positive developments: If a disputant begins to provide information in a clear manner, you should reinforce such behavior by saying such things as, "That is a very important piece of information."

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Specific techniques for disputes involving hysteria or extreme upset:

- Again, the best initial approach is to maintain a calm demeanor and convey the idea that you are there to give aid or assistance.

- Distraught or hysterical citizens may be soothed through the use of techniques that encourage less emotional behavior. Generally, the most effective techniques include (1) engaging the citizen in conversation about something unrelated to the immediate problem and (2) asking the citizen to perform a routine task.

Fourth Stage: Fact-Finding.

> Note: If a criminal act has occurred, follow the procedures described above, "Second Stage: Criminal Investigation."

In non-criminal cases, the purpose of this stage of the intervention process is to determine the dimensions of the dispute. Fact-finding is complete once each of the disputants agrees that you understand his side of the dispute. Usually this can be accomplished in a few minutes of discussion with the parties. The officer should adhere to the following guidelines when fact-finding:

- Let the disputants know that their goal and your goal is not to determine who is wrong, but to find out what is wrong and what can be done to solve the problem. Do not let yourself be put in the position of a judge. Avoid giving advice on their personal problems.

- Remember that you are not conducting an interrogation but attempting to ventilate the situation and establish the facts. Use a conversational tone and a relaxed manner. Listen with care and pay attention to what you hear. Encourage the disputants to do the talking and make sure that all involved parties are heard.

- At first it is more important to find out what happened -- the specific action that led to the call -- rather than why it happened.

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- After you find out why one of the people made the call, ask both disputants to tell you briefly their sides of the quarrel.

- Give a summary of what the disputants are saying. For example, "If I understand, Mrs. Jones, you believe that Mr. Jones should take the job offered by your brother. And you are saying, Mr. Jones, that you would like to work but you don't want that job." If both disputants accept this as a summary of the issues, then you have completed the fact-finding phase.

Fifth Stage: Course of Action.

After having established an atmosphere of relative calm and having obtained each person's account of the incident, the next step is to determine what course of action is appropriate. It might not be appropriate to attempt this step if, after defusing the situation, there are important other constraints on your time or if the parties are not receptive to your efforts.

Mediation. Mediation is a goal of police intervention in family disputes where there is no violence and arrest is not necessary. Mediation is the process of effecting a settlement of a dispute by helping the disputants to agree on a specific course of action for solving their problem and, if possible, gaining a commitment to follow through with the agreement.

When mediating between people:

- Get ideas from both parties for solving or reducing the intensity of the problem that led to the quarrel.

- Discuss each idea with both parties, trying to lead them onto common ground where they can agree on ways to end their problem.

- Try to help the citizens to have confidence in the agreed-upon course of action. Urge them to carry out their plan.

- Be certain that the disputants really comprehend what they have agreed to do.

- Provide the complainant with a Resource Card in all cases. Complete the appropriate boxes of the Resource Card if a misdemeanor arrest has been made and the subject released on a misdemeanor citation.

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Essentially what is sought is recognition by each party that he or she is responsible for contributing to the solution of the dispute and a commitment to a mutually agreed-upon course of action to solve the problem. Frequently, a referral to a community service agency for counseling is also advisable.

Referral. Referring the disputants to a community service agency for counseling is effective only if the officer knows that the agency is equipped to help the disputants with their particular problem. An appropriate social service agency may be identified by consulting pages 21 to 30 of this bulletin. As part of the general responsibilities of an Oakland Police Officer, a continuing effort should be made by each member to familiarize himself with the operations of the referral agencies.

Make a referral if (1) the disputants' conflict has a clear source and there is an agency equipped to help with that problem or (2) the disputants ask for help with a continuing problem that they believe is beyond their resources. Do not make a referral in lieu of an arrest in cases where an arrest would be a more appropriate course of action.

General guidelines for referrals are as follows:

- Urge both disputants to go to the referral agency.
- Refer them to a specific agency. Explain the nature of the services offered by the agency, where it is, how it can be contacted, and the costs (if any) for its services.
- When one or more agencies provide similar services, refer the parties to the one nearest to their residence.
- Where the disputants or the family have more than one problem and really need the services of a number of agencies, determine the most acute problem and make a referral to the agency that can provide appropriate counseling.

Do not make a referral (1) if the quarrel seems unlikely to recur, (2) if the husband and wife say clearly that they do not need outside assistance, or (3) as a substitute for a criminal investigation when a criminal act has occurred.

Temporary Separation. Sometimes as part of a mediation and in addition to a referral (see below, Referral Agencies), it may be advisable to separate the parties temporarily so that the emotions may cool. Perhaps a friend or relative living nearby will agree to house one of the parties for a night or two. A temporary separation usually will not solve any deep-seated problem but may help the immediate situation.

REQUESTS FOR REMOVAL OF A PARTY TO THE DISPUTE

Your attempt to achieve a settlement of a dispute may be complicated by requests that often arise in the heat of a dispute. Usually, such actions are requested to merely remove the other party from the premises. Although compliance with such requests may temporarily abate the dispute, the substance of the dispute is usually left untouched.

Citizen's Arrest

California Penal Code Section 837 enables a private person to arrest another for the commission of a public offense (see Training Bulletin I-G.8, Citizen's Arrest). An officer must accept custody of the arrested party provided there is reasonable cause to believe such arrest is lawful (142 P.C.). You should explain the ramifications of such action to the complainant in a non-directive way (e.g., bail procedures, court appearances), but take the arrestee into custody if the complainant insists on making the citizen's arrest.

Do not dissuade persons from making a citizen's arrest, but inform the complainant when the elements for a lawful citizen's arrest do not exist. If the complainant expresses his or her desire to make a citizen's arrest, and the elements of a lawful citizen's arrest exist, accomplish the arrest in accordance with the law and existing Departmental policy. The citizen's arrest may be made with the complainant out of sight of the suspect, if appropriate or if requested by the complainant. In appropriate cases, issue a misdemeanor citation to the arrested person and release him or her consistent with existing Departmental policy and the provisions of the Penal Code.

Whenever a person is arrested for a misdemeanor and thereafter issued a misdemeanor citation and released, complete the appropriate boxes of a Resource Card and give it to the complainant. Instruct the complainant to show the card to responding officers if violence recurs in the immediate future and the police are called again.

Do not follow the cite and release procedure if you believe that violence will recur. This can be demonstrated for example, when a citizen's arrest for a misdemeanor crime of violence has been made

and the complainant produces a Temporary Restraining Order (see next section of this bulletin) or a recent Resource Card indicating a misdemeanor arrest has been made and the arrestee cited and released.

A party to the dispute may insist upon an arrest, but refuse to exercise his or her right of citizen's arrest and request that you take action. On these occasions, you must explain the limitations of your authority. If there is evidence of an assault or other crime, and the complainant does not wish an arrest at the present time, make a report and take statments for later action through the complaint-warrant process. In a case where assault or some other crime has apparently been committed and the complainant wishes no report to be made, ensure that his or her decision is not based upon intimidation by the suspect.

Temporary Restraining Order.

In 1977 the California Legislature, in recognition of the need for added protections for victims of domestic violence, enacted CCP Section 527(b). Code of Civil Procedure Section 527(b) provides that the Superior Court may grant a petitioner/complainant a temporary restraining order (TRO) against a respondent/suspect in the case of domestic violence. The TRO usually provides that the respondent/suspect is prohibited from hitting, touching, threatening or annoying the petitioner in any way and may include a "kick-out" order prohibiting respondent from coming onto the residence shared with the petitioner. A TRO is only issued by the Court upon a showing of reasonable proof of past acts of physical violence and that the parties have resided together in the past or are presently residing together and that unless respondent is restrained, petitioner will be harmed by the domestic violence. Such TRO's are distinct from court orders issued pursuant to P.C. Section 166.4, and disobedience to a TRO by the respondent is a misdemeanor (see Figure 1).

In the event that a complainant in a family dispute states that he or she has obtained a TRO and requests that it be enforced, direct a request to the Communications Division to check the existence and status of the TRO.

You may not make an arrest pursuant to C.C.P. Section 527(b) unless the Communications Division confirms:

- that the Department has on file a copy of the TRO; and
- that the TRO has not expired or been recalled; and
- the terms of the TRO (e.g., respondent is not to visit the petitioner's residence, etc.).

After you have received verification from the Communications Division, you still may not make an arrest until you have determined that the TRO has been served on the respondent personally (see Figure 2). Proof that the TRO has been served may be confirmed by the Communications Division or by presentation by the complainant of a certified copy.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Petitioner:

and

Respondent:

No.
RESTRAINING ORDER AND ORDER TO APPEAR PURSUANT TO SECTION 527(b) CCP

/

Respondent _____ is ordered:

( ) 1. To leave the residence shared with Petitioner(s) immediately and stay away from it and from Petitioner( ) until after the court hearing scheduled as noted below.

( ) 2. Not to hit, touch, threaten, or annoy Petitioner(s) in any way.

( ) 3. To contact and cooperate with the Conciliation Court at _____ and appear there as directed _____

( ) 4. To appear on _____ at _____ in Department _____, located at _____, to show cause why the above orders should not be dissolved (hearing date to be not later than 15 days or, if good cause appears, 20 days from date of this order).

( ) 5. Service of this order is shortened to _____ days prior to the hearing date.

( ) 6. The Court further orders a copy of this order transmitted to the local law enforcement agency which has jurisdiction over the residence of the parties.

( ) 7. The Court further orders that: _____

NOTE: ANY WILLFUL DISOBEDIENCE OF ANY PART OF THIS ORDER SHALL BE A MISDEMEANOR.

Dated:

_____
JUDGE OF THE SUPERIOR COURT

Figure 1. Temporary Restraining Order

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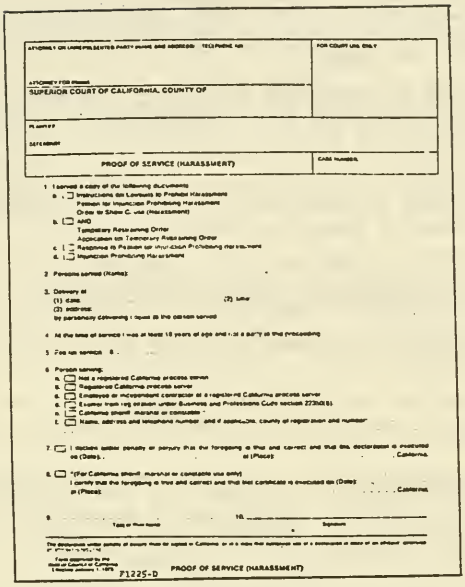

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

PROOF OF SERVICE (HARASSMENT)

PROOF OF SERVICE (HARASSMENT)

Figure 2. Proof of Service of TRO

You may not make an arrest for violation of the TRO even if the Communications Division confirms all of the above factors, unless the disobedience of the TRO takes place in your presence.

If the Communications Division does not confirm the TRO, you may not make an arrest pursuant to C.C.P. Section 527(b) even if the petitioner has a copy of the TRO and proof that the TRO has been served on the respondent. If the petitioner wants the unverified TRO enforced, he or she must make a citizen's arrest. If a citizen's arrest is made, the arresting citizen should be instructed to bring the TRO to Criminal Investigation Division (CID) for verification.

You may not make an arrest of the respondent for violation of the TRO unless he or she commits an act that is prohibited by the TRO. The mere existence of a TRO does not constitute grounds for arrest -- only a violation of the terms of the TRO.

If you are uncertain as to whether or not the respondent's behavior constitutes a violation of the TRO, have the citizen make the arrest. You may accept a citizen's arrest pursuant to C.C.P. Section 527(b) made by the petitioner.

If an officer or citizen's arrest is made only for violation of the TRO, determine whether the respondent is eligible for field citation and release or should be taken into physical custody.

If the arrest is for a misdemeanor act of violence or if there is sufficient cause to believe the violation of the TRO may continue, the respondent should not be released on a misdemeanor citation.

If the respondent is not arrested, submit an offense report regarding the verified TRO.

Record the existence of the TRO, the TRO number, and the issuing court on any citation, arrest report, or offense report that is completed regarding the incident.

Superior courts forward TRO's to the local law enforcement agency where the petitioner resides. Therefore, if a complainant who states that he or she has obtained a TRO resides in another city or has obtained the TRO from a superior court in another county, the TRO will be on file in another agency, not in this Department.

If verification can be obtained from the law enforcement agency with jurisdiction over the petitioner's residence, you may make an arrest in Oakland if the respondent violates any of the terms of the TRO in your presence.

Trespassing.

Until recently a trespasser was guilty of a misdemeanor if he or she refused to leave another's property when requested to leave by a peace officer and the owner, his agent, or the person in lawful possession.

The law now provides that a trespasser need only refuse to leave at the request of the owner, his agent, or the person in lawful possession to be guilty of a misdemeanor.

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During a domestic dispute, one of the parties may request that you arrest the other for trespass (602.5 P.C.). In such situations, you should determine who has a legal interest in the property and the premises. A party has a legal interest in the property if he or she has signed the lease or rental agreement, is paying the rent, or if the parties are still legally married. The most difficult situations are those concerning disputants who are not legally married but who have lived together on the premises. In such situations, the court may determine the division of property, but interest in the premises may lie with only one party, such as when only one party is paying the rent. If the renting party orders the other to leave, that party must do so. (See Training Bulletin III-J.1, Landlord-Tenant Disputes).

Again, the officer at the scene should attempt to arrive at some mediated solution. If the rent-paying party refuses to allow the nonpaying party to enter and retrieve possessions, the officer has no recourse except to encourage the latter to seek redress through the civil court. If the nonpaying party is permitted to enter and retrieve possessions, the officer may "preserve the peace" by standing by to ensure an orderly transaction (see "Community Property" p. 35).

RIGHTS, RESPONSIBILITIES AND RESOURCES

A working knowledge of relevant family law and available community resources proves invaluable in settling family disputes. This section of the bulletin is a general overview of the issues that most commonly arise in domestic disputes, the rights and responsibilities of parties to the dispute, and available community resources. Although an explanation of criminal implications and possible civil liabilities will often help settle a dispute, you should ensure that such explanations are not construed as legal advice. When the disputants seek legal advice, refer them to an attorney or Legal Aid.

You are not expected to recall from memory all the information presented in this bulletin; rather, this discussion is intended to provide some references that you may consult in settling family disputes. All officers assigned to the field should carry a copy while on duty.

While many issues of dispute are clearly governed by the large body of law that is brought to bear by the courts during dissolution, legal separation, or annulment proceedings, officers often are asked to intervene in disputes where no such court actions have been instituted or even contemplated. Thus, this section of the bulletin includes a general discussion of issues that must often be resolved

between the parties, in the absence of court adjudication, as well as a discussion of those issues that should be determined by the courts during and after dissolution, annulment, and legal separation proceedings.

When Termination of the Relationship is not Desired

Despite the current turmoil in their relationship, some disputants remain genuinely convinced that their relationship is not irreparable. As the officer who is asked to intervene, you will soon recognize that, for those persons, the courts offer little assistance with their rules and procedures for dissolving relationships since dissolution is not desired. Thus, whenever possible and appropriate, you should use mediation techniques to assist the parties to agree upon a constructive course of action to solve their problems; usually, the agreement should include seeking assistance from referral agencies specializing in working with their problem. Often you will be the only person with whom they might consult to obtain a referral.

Although the circumstances may be quite varied, the most commonly occurring family problems that have not been strictly relegated to the courts for adjudication in dissolution or other such proceedings fall into the following nine categories.

Referral Agencies

A. Marital Problems

For the purposes of this bulletin, marital problems are defined as difficulties in the personal relationship between spouses. These difficulties might arise, for example, from their differences in opinions over religion, sex, or social behavior.

The Family Service Bureau, Catholic Social Service, and Jewish Family Service offer professional pre-marital, marital, and family counseling. The Jewish Family Service offers its service only to members of the Jewish faith.

1. Family Service Bureau (834-5433)
   445 - 30th Street
   Oakland, California

   Services: Individual, group counseling for marital problems, parent-child difficulties, mentally disturbed individuals (including children), and unwed parents. This agency also offers assistance to the aged.

   Fee: Varying fee schedule, based on family income.

   Hours: Monday through Friday, 8:30am - 5:00pm
   Tuesdays 1-9pm

2. Catholic Social Service (834-5656)
   433 Jefferson Street
   Oakland, California

   Services: This agency offers professional pre-marital, marriage, and family counseling. A program for counseling the ageing and the unwed parent is also available.

   Fee: Varying fee schedule, based upon family income.

   Hours: Monday through Friday, 9:00am - 5:00pm

3. Jewish Family Service (532-6314)
   3245 Sheffield
   Oakland, California

   Services: Pre-marital and marital counseling, temporary financial aid to meet emergencies, assistance to the aged in such events as death in the family, chronic illness, inadequate income, or loneliness, counseling for juvenile problems, and a refugee and child placement service.

   Fees: Varying fee schedule, based on family income.

   Hours: Monday through Friday from 9:45am - 5:00pm

B. Intoxication and Alcoholism

Officers are frequently asked to intervene in disputes where intoxication or alcoholism are either contributing factors or the very issue in contention. One party may ask that the other be arrested for drunkenness. In such cases, explain to the complainant that California law does not permit arrests for drunkeness in a person's own home.

Frequently, the most constructive approach is to refer the apparent alcoholic and/or his family to the agencies listed below. Generally, these agencies describe an alcoholic as a person who has the following behavior patterns:

1. Daily drinking, at set times, perhaps even in the morning.

2. Physical response to drinking: increased illness, "shakes," sharply reduced appetite.

3. Less ambition, self-control, self-respect.

4. More likely to argue or fight; moody; irritable; hard to get along with; restless.

5. Often missing work and failing responsibilities; careless of family's welfare.

Alcoholics Anonymous maintains a 24-hour number that can be called for phone counseling. The Detox Clinic provides emergency detoxification services, and the Fair Home will provide additional medical care and observation services after detoxification. The Alcohol Abuse Program is an out-patient clinic and offers professional counseling to persons with alcohol-related problems.

1. Alcoholics Anonymous (653-4300)
   3700 - 40th Street
   Oakland, California

   Services: Alcoholism counseling either through home visits or over the phone.

   Fee: None

   Hours: Above phone number is operational 24-hours, seven days a week.

2. Detox Clinic
   Highland Memorial Hospital (832-7366)
   299 Adeline Street
   Oakland, California

   Services: Emergency detoxification, lasting for approximately 3-5 days.

   Fee: Sliding scale. No one turned away for lack of funds.

   Hours: Regular admissions 8 am - 5 pm.

3. Fair Home (577-1652)
Fairmont Hospital
15400 Foothill Blvd.
San Leandro, California

Services: Additional medical care and observation after detoxification. Approximately 30 days in duration.

Fee: Sliding scale.

Hours: 8 to 5 Monday through Friday.

C. Physical and Mental Health Problems

Emergency medical assistance may be secured for citizens by requesting an ambulance in the normal manner. Non-emergency medical care is available at clinics and Highland General Hospital (HGH).

When a serious health problem is evident, such as an unfit home, poor nutrition, infectious or chronic disease, drug abuse, or alcoholism, and the parties are unable or unwilling to go to HGH, the public health nurse (874-5795) will make a visit to home, free-of-charge. Note in your report that you have requested such a visit.

Police officers may only take independent action when they encounter a person suffering from psychiatric problems such that the "person is a danger to others, or to himself, or gravely disabled as a result of mental disorder" (§5150 Welfare & Institutions Code). A "gravely disabled" person is one who is unable to provide for his basic personal needs. An individual may not be held for temporary detention because he endangers "property," but an individual observed senselessly destroying property and otherwise showing signs of mental disorder can usually be considered to be dangerous to other persons. The key to this section is that *you* must have observed the behavior before you may take the person into custody for a 72-hour emergency observation period.

If members of the family or friends seek a professional evaluation of a person not needing emergency detention and observation, they may apply for such an evaluation at Highland Hospital Psychiatric Emergency Ward (534-8055, extension 473). The evaluation may be conducted through a home visit when necessary.

1. Alameda County Health Care Services Agency (874-5795)
Public Health Nursing
1411 East 31st Street
Oakland, California

Services: Evaluation and assessment of health of persons who are unable or unwilling to leave their homes, health counseling and referral services.

Fee: None.

Hours: 8:30 - 5:00 Monday through Friday.

2. Highland Psychiatric Emergency Service (534-8055, ext. 506)
1411 East 31st Street
Oakland, California

Services: Emergency evaluation and help. Home visits when necessary.

Fee: Sliding scale.

Hours: 24-hours a day, 7 days a week.

D. Employment Problems

Few events are as disruptive of family life as unemployment. If a party to a dispute wishes to apply for unemployment benefits or wishes assistance in finding a job, you should refer him or her to the nearest office of the Employment Development Department. If the person has an employment handicap resulting from physical or mental disability, refer him or her to the Department of Rehabilitation which offers vocational rehabilitation services.

1. Employment Development Department
Employment Service
Downtown Office (464-0764)
235 - 12th Street
Oakland, California

Fruitvale Office (464-0486)
1900 Fruitvale Avenue
Oakland, California

Services: 1. Job and training placement; employment counseling, aptitude and proficiency testing for adults and youth.

2. Pays unemployment insurance to unemployed persons who meet eligibility requirements.

3. Job placement service for temporary yardworkers, laundrymen, and casual laborers.

Fees: None.

Hours: 8:00 - 4:45 Monday through Friday

2. Department of Rehabilitation (464-0511)
1111 Jackson Street
Oakland, California

Services:
1. Complete medical and vocational diagnosis to determine extent of disability and to indicate work capacity.
2. Employment counseling, psychological and aptitude testing.
3. Medical, surgical and hospital care to remove or reduce disability.
4. Artificial appliances to increase work capacity.
5. Training to prepare disabled for employment.
6. Tools, licenses, and occupational equipment needed on the job. Transportation and incidental expenses while in training.
7. Job placement and follow-up placement.

Fees: None.

Hours: 8:00 - 11:30, 1:00 - 4:30 Monday through Friday.

E. Money Problems

Over-indebtedness and marginal incomes are problems that often culminate in domestic disputes. While the function of the Welfare Department is well-known, many citizens are unaware of the services provided by the Wage Earner Plan.

1. Wage Earner Plan (893-1707)
1212 Broadway
Oakland, California

Services: Information and remedial suggestions for overindebtedness. This service is of principal value to those who are regularly employed or are at least employable.

Fees: Fees are set only if the person utilizes the Wage Earner Plan pursuant to Chapter 13 of the Bankruptcy Act; in that event, fees are set by the court and payable to the Wage Earner Plan.

Hours: 9:00 - 5:00 Monday through Friday

2. Alameda County Welfare Department (874-5532)
401 Broadway
Oakland, California

Services: 1. Public assistance eligibility determination. Eligibility technicians determine eligibility for the following public assistance programs: Aid to Blind, Aid to Disabled, Old Age Assistance, Aid to Families with Dependent Children, Food Stamps, and Medi-Cal. Eligibility determination for the General Assistance Program is provided by the social worker.

2. Social Services: Social workers are available for counseling related to finances, housing employment, and other similar family problems.

Fees: None.

Hours: Hours for applications for public assistance are 8:30 - 11:30 and 1:00 - 4:00 Monday through Friday.

F. Juvenile Crises

Approximately 40% of all domestic disputes pertain to matters related to children or are disputes between a parent and a child. Disputes between parents often are over custody or visitation rights (see "Custody" and "Visitation Rights," p. 35). Disputes between a parent and a child usually concern the child's alleged misbehavior.

Usually, you should make a referral, whether for the entire family or for the juvenile alone, only when the juvenile is receptive to remedial action. A referral will usually be unsuccessful when the

juvenile is not interested, even if the parents force the juvenile to act upon the referral. The most frequent referrals in juvenile crisis situations are to family-juvenile counseling, employment counseling, educational counseling and drug abuse counseling.

To identify the referral agency most suited to the needs of both the juvenile and the family, you should contact the receiving officer in the Youth Services Division (273-3641). Youth Services Division officers maintain a close working relationship with available referral agencies and a receiving officer is on duty 24-hours a day.

G. Legal Problems

The Legal Aid Society of Alameda County provides legal counsel and representation in dissolution and other civil matters for persons who are financially unable to hire a private attorney. If you wish to make a referral to the Legal Aid Society, you should refer the party to the nearest branch office. Advise the citizen to telephone and make an appointment for an interview.

1. Legal Aid Society of Alameda County

Central Office and Domestic Relations Office (451-9261)
1815 Telegraph Avenue
Oakland, California

North Oakland Office (465-3833)
2357 San Pablo Avenue
Oakland, California

East Oakland-Fruitvale Office (532-5963)
4600 East 14th Street
Oakland, California

Services: Legal counsel and representation in dissolution and other civil matters.

Fee: Dependent upon ability to pay.

Hours: Can be obtained by telephoning the appropriate office.

H. Resources/Shelters

In instances of wife-beating or when a woman desires to leave her home for reasons of safety, she may be referred to one of the following shelters.

23-154 O—83——9

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1. Tri-Valley Haven for Women
   Livermore
   443-1955

   Services: Offers limited space as a shelter; will take children; does not require women to sever their relationships; support group meets once a week; 2 intake persons and 1 advocate. $1.00 fee.

2. Emergency Shelter Program
   Hayward
   881-1244

   Services: 24-hour crisis line for counseling and referral; shelter at which a woman can stay for up to 1/2 month if she decides to sever relationship. No fee.

3. La Casa
   San Francisco
   585-2844

   Services: 24-hour crisis line; counseling and shelter referral; no residence requirement; 6-week limit for residence; children welcome; bi-lingual staff (Spanish). Fee of $100 a day for shelter.

4. Women's Refuge
   849-2314

   Services: 24-hour crisis line for counseling; no shelter; referrals to private homes: residence requirement of 2 nights only and boys must be under 12. No fee.

5. A Safe Place
   444-7233/444-7234

   Services: 24-hour hot line for shelter, counseling, and referrals. Residence for up to 30 women; women with children have first priority; no age limit on children; 10-week time limit. Support groups meet once a week. Transportation to the shelter can be arranged if necessary. Limitations: referrals only for drug abusers and alcoholics.

6. Wave (Women Against Violence Emergency Shelter)
   Berkeley
   848-9130

   Services: Counseling; referrals; TRO's in pro per.

7. Other Shelters:

Alternative (Contra Costa)	284-CARE
Abused Women's Services (Marin County)	924-6616
Brandon House (San Jose)	(408) 258-6146
Santa Rosa Shelter (Sonoma County)	(707) 546-1234

(Note: The addresses of the above facilities are considered confidential and will be provided to applicants on an individual basis.)

8. Salvation Army
810 Clay Street
Oakland
451-5547

Services: Emergency family shelter on a space available basis (can accommodate up to 30 people).

Upon Legal Termination of the Relationship

The rights and responsibilities of spouses, upon dissolution of the relationship, are determined by the nature of their relationship. The law recognizes four types of relationships between a man and a woman: the officially married couple, the common-law married couple, the putative marriage, and meretricious relationships.

Whereas most marriages are those in which a man and woman have been legally united as husband and wife during a formal marriage ceremony, common-law marriages, which are recognized in fourteen states (California is not one of them) and the District of Columbia, require merely an informal agreement to be husband and wife. In those jurisdictions, a man and a woman are considered to be legally married under common-law when the couple has met the jurisdiction's requirements concerning "(1) the informal agreement to be husband and wife, (2) cohabitation as man and wife, and (3) publicly hold each other out as husband and wife[1]". California law does not recognize common-law marriages, except when they have been formed in other jurisdictions where common-law marriages are valid. In California, these couples are granted the same rights upon dissolution as formally married couples.

1 *C.J.S., Marriage* §6 *(1948).*

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Similarly, the putative spouse is granted the same rights as one who is formally married. The putative spouse is one who has a "good faith belief that the marriage was valid[2]". One party might be determined to be a putative spouse, for example, when it is subsequently discovered that the other party had not been legally divorced from an earlier spouse. Both parties may be considered putative spouses, for example, if they have married on the mistaken assumption that one spouse's former husband or wife was dead, but subsequently it is learned that the former spouse is alive. Putative spouses are granted the same rights to custody, child support, visitation, property, and alimony as ones who were validly married. The only difference is that court settlement of any disputes concerning such matters is through annulment, rather than dissolution, actions.

A meretricious spouse is "one who illicitly cohabits with another with the knowledge that the relationship does not constitute a valid marriage[3]". Meretricious spouses are not granted any of the rights that may be claimed by either the formally married, the recognized common-law married, or the putative spouse. No court proceedings are required to terminate such a relationship. Custody of illegitimate children rests with the mother, who is not entitled to either alimony or child support from the father. If necessary, settlement of property disputes between meretricious spouses will be determined by the Court of Equity. The Court of Equity will divide the property that is jointly acquired according to the law of contracts. (See Community Property p. 35).

A more detailed explanation of custody, alimony, community property, child support, and annulments is presented later in the bulletin.

A. Divorce and Legal Separation Procedures

In California, the correct legal term for a divorce is a "dissolution of marriage." While a dissolution terminates the marriage, a legal separation does not terminate the marriage but merely allows the parties to live separately. Once a judgment decreeing legal separation has been entered, and either party subsequently wishes to dissolve the marriage entirely, a new petition has to be filed.

2 *Civil Code §4452*

3 *Coolidge. The Rights of the Putative Meretricious Spouse in California, 50 Calif. L. Rev. 866,873 (1962)*

1. Commencing the Action. After the petition is filed, the County Clerk issues a summons that informs the other party, the "respondent," that a petition has been filed and that the "respondent" has a certain number of days in which to appear in court to respond to the petition.

Recent legislation has eliminated the need to allege and prove grounds for a dissolution. As set forth in Civil Code §4506, the petition need only set forth that there are "irreconcilable differences which have caused the irremediable breakdown of the marriage."

The petition will also set forth the nature and extent of community property, if any, and any additional information as the circumstances warrant. The petitioner must also file a form that is used by the Bureau of Vital Statistics and a completed questionnaire for the use of the conciliation courts.

2. Process Service. Unless the respondent files an appearance (that is, a document acknowledging the existence of the action), the summons must be delivered to the respondent personally. This is known as "service" of the papers and the person who does this is called a "process server." The sheriff performs process service upon request and for a fee. A private person who is 18 years or older, a U.S. Citizen, and not a party to the action can also serve the papers. Unless the respondent has already filed an appearance, the action does not continue until service has been effected. The date of service or the date of legal appearance, whichever comes first, is the date from which the time for entry of the final dissolution or legal separation decree is calculated. A final decree can be entered six months from that date.

If the other party has left the state, or after a careful search, cannot be found within the state, or if the other party avoids service by concealment, a *court order* may be obtained to permit what is called "substituted service." "Substituted service" requires publication of the summons in the newspaper once a week for four weeks and mailing copies of the petition and summons to the last known address of the other party. One month after the last day of publication, if the other party has not responded, the party who has performed "substituted service" may obtain the dissolution, judgment of legal separation, or judgment of nullity (in annulments) from the court.

3. Responsive Pleadings. Once the papers have been served, the respondent has 30 days in which to file a responsive pleading, which may include any or all of the following:

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a. Demurrer. This document challenges the sufficiency of the petition, usually alleging that the petition has omitted or neglected some important facts such as the place of marriage. A demurrer attacks the technical aspects of the petition. A hearing is held to determine whether there are deficiencies in the petition. If the demurrer is overruled, the respondent then has 10 days to file his answer. If the demurrer is sustained, the petitioner must amend the petition to cure any deficiencies.

b. Motion to Strike. This document attacks the substance of the petition. A petition may be properly completed and thus not subject to demurrer, but what is stated may be attacked by a "motion to strike." A "motion to strike", for example, might allege that the parties did not really go through the marriage ceremony. As with the demurrer, a motion to strike will also result in a hearing and the parties will either have to amend existing documents or file other documents.

c. Answer. This document admits certain allegations, denies others, and sets forth any defenses that are applicable.

d. Cross-petition or counter petition. The respondent may in turn file a petition for divorce or legal separation as a method of stating what he or she wanted.

If the respondent does not do anything within 30 days of service and no documents are filed, the respondent is deemed to have defaulted. The petitioner can then ask for a hearing, present testimony, and have the petition granted.

4. Hearing Procedure. After all the necessary documents are filed, one of the lawyers will file a memorandum with the court, stating that the case is at issue and is ready to go to trial. A trial date is then set.

If there is a contest between the parties as to custody, division of property, child support, or alimony, each of these issues is brought before the court by the regular method of calling witnesses and introducing evidence.

If evidence or information is sought from the other party, it is usually obtained through discovery proceedings. The most common discovery proceedings are "interrogatories" and "depositions." Interrogatories are questions that are sent in legal form, by the attorney for one party to the attorney for the other party. In many cases these questions must be answered under oath, in legal form and are handled in writing, through the mail. A deposition

is a personal examination that usually occurs in the office of one of the lawyers. The person from whom a deposition is to be taken will be given notice of the date and the place where the examination is to be conducted. On that day, lawyers for both parties will be present with a court reporter who swears in the spouse and the attorney for the other spouse begins to ask questions. If the attorney of the person being questioned objects to a question, he states his objection for the record and the judge will be asked to determine whether the question should be answered. If the judge feels that the question should be answered, everyone returns at a later date to complete the process. A deposition is very much like cross-examination in court, except there is no judge present. Depositions usually have the advantage of providing more detailed firsthand information but are much more expensive than interrogatories.

After the hearing, if the judge believes there is a chance for reconciliation, he might suspend the proceedings for thirty days. At the end of this time, either party may request the court for a judgment of dissolution. The judge will usually then issue an interlocutory decree, that is, a temporary judgment setting forth the rights of the parties. If six months have elapsed since the date of service, a final judgment may be entered. Otherwise, the final decree will be issued when the necessary six month period has elapsed.

B. Annulment Procedures

There are very few differences between annulment procedures and dissolution or legal separation procedures. Annulment actions have no interlocutory decree. Whereas to institute divorce and legal separation, one of the parties must have resided in California for six months and in the county in which the action is brought for three months, no such requirement exists for annulment actions. A declaration or decree of nullity, which is the term for the final decree in annulment actions, is effective immediately.

Grounds for annulment are:

1. Incestuous marriage.

2. Bigamous marriages.

3. Under-age marriage.

4. One of the parties of unsound mind at the time of marriage.

5. Consent to marriage by fraud.

6. Consent to marriage by force.

7. Incurable impotency or other physical inability to enter the marriage, existing at time of marriage.

Custody

Disputes often relate to the custody of children. Married parents both have custody of children until a court order awards custody to one parent; this would be done in proceedings for legal separation or dissolution. When parents are not married, the mother has sole custody of the child.

Disputes are most likely to occur when there is no court order, as when the parents initially separate. Your only course is to defuse and mediate the situation and encourage the parents to agree on seeing their attorneys for a permanent settlement. If there is obvious danger to the child (such as when he becomes the object of a tug-of-war), take him into protective custody (§600 CAL. WEL. & INST. CODE).

D. Visitation Rights

The court that awards custody to one parent usually awards visitation rights to the other parent. The court order itself sets forth the right to visit or even the hours and/or times the parent may visit the child. When the parent having custody does not allow the other parent to visit, the refusing parent has violated §§ 166.4 and 279B CAL. PEN. CODE. Should the visiting parent refuse to return the child as he is required, he has violated § 279a CAL. PEN. CODE. If the court order can be produced, make a "suspicious circumstances" report only. When there is no order or it cannot be produced, encourage the parents to consult attorneys or legal aid if appropriate. In the meantime, the child should remain where he is unless that is inappropriate, such as when the parent having custody is drunk and obviously not caring for the child. In that case, you may encourage the other parent or a relative to take the child. A court order could be sought to modify custody or visitation provisions, perhaps based upon your report.

E. Community Property

Community property is defined by California Civil Code § 687 as "property acquired by husband and wife, or either, during marriage, when not acquired as the separate property of either." In general

terms, community property consists of all property acquired during marriage by either spouse, other than by gift or inheritance (see CAL. CIV. CODE §§5100 and following sections). Civil Code §4800 requires that all community property be evenly divided between the spouses upon marriage dissolution. Upon the dissolution of the relationship between putative spouses or couples who came to California in a common-law relationship from a state where common-law marriages are recognized, property jointly accumulated must be equally divided according to community property principles.

The division of property jointly acquired by meretricious spouses, however, is determined by application of the following principles:

1. If a spouse can establish an express agreement to pool resources and share equally in joint accumulations, the agreement is enforceable and gives each spouse an undivided one-half interest in the accumulated property. *Vallera v. Vallera*, 21 Cal. 2d 681, 134 P. 2d 761 (1943).

2. If a spouse contributes money or property of value before or at the time of acquisition of property, held jointly or in the name of the other spouse, that spouse can claim an interest in the property proportionate to the contribution. *Keene v. Keene* 57 Cal. 2d 657 (1962).

3. Finally, a spouse is entitled to collect from the other the reasonable value of personal services performed with the expectation of payment, provided such services are of a type that would ordinarily be compensated and not treated as a gift. *Keene v. Keene*, 57 Cal. 2d 657, 371 P. 2d 329, 21 Cal. Rptr 593 (1962).

In all instances where community property is the issue at dispute, you should advise the parties that, unless the complainant can prove his or her separate ownership of the property, they must have the dispute resolved in court. If the complainant claims that he or she can prove separate ownership, you should complete a suspicious circumstance report and refer the complainant to the Criminal Investigation Division to determine whether there are grounds for a criminal complaint.

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F. Legal Assistance

Legal Aid Society of Alameda County (free)	
Central Office	451-9261
North and West Oakland Office	465-3833
East Oakland/Fruitvale Office	532-5963
Alameda County Lawyer Referral Service	893-8683
Charles Houston Bar Association Judicare Program (free)	568-7988

CONCLUSION

Because of the complexities of human nature, it is impossible to outline procedures that would cover every eventuality. Your knowledge of the criminal law and human nature and your ability as a mediator will assist you in reaching a disposition that is satisfactory to all concerned.

Properly handled, most dispute calls should leave the involved citizens with an appreciation of the fairness and knowledge of the officers handling the incident. If a complainant fully understands the reasons for your actions, he will be in a position to accept your suggestions and advice more readily and will be left with an impression that you did everything possible under the circumstances.

You must be aware of the potential dangers attending dispute assignments and should keep yourself on guard against becoming conditioned to the "routine." Scores of police officers are injured or killed each year because they fail to exercise caution and proper procedures when responding to such calls. By using safe, established procedures and techniques you can attain maximum effectiveness in the handling of these assignments with a minimum of risk to yourself and your fellow officers.

OFFICE OF CHIEF OF POLICE
OAKLAND POLICE DEPARTMENT

AUG 13 1982

MEMORANDUM

TO: All Personnel DATE: 9 Apr 82

SUBJECT: Publication of New Departmental General Order E-4, RESTRAINING ORDERS

General Order E-4 has been published to set forth regulations concerning restraining orders which the Superior Court issues in connection with marital proceedings, child custody cases, and domestic violence. The willful and knowing violation of any such restraining order is a misdemeanor pursuant to Penal Code Section 273.6. Misdemeanor provisions formerly set forth in Code of Civil Procedure Section 527(b) have been repealed. The Superior Court may also issue restraining orders or injunctions pursuant to Code of Civil Procedure Section 527.6 to prohibit harassment in domestic or nondomestic situations, and the willful violation of any such restraining order or injunction is a misdemeanor pursuant to Penal Code Section 273.6.

The new General Order replaces Special Order No. 3853, "Domestic Violence Cases, Temporary Restraining Orders" (1 Nov 79), and the Special Order is hereby canceled.

The evaluation coordinator for this order shall be the commander of the Bureau of Field Operations, who, without further notification, shall forward the required report to the Chief of Police on or by 8 Oct 82.

Personnel shall place the new order in their General Order Manuals and add the necessary information to the Table of Contents and Index.

By order of

George T. Hart
Chief of Police

DEPARTMENTAL GENERAL ORDER E-4
OAKLAND POLICE DEPARTMENT 9 Apr 82

Index as:

Domestic Violence
Harassment Injunctions
Injunctions, Harassment
Restraining Orders
Temporary Restraining Orders
Violence, Domestic

RESTRAINING ORDERS

The purpose of this order is to set forth procedures regarding the enforcement of restraining orders and injunctions issued in connection with harassment or domestic violence.

I. TYPES OF ORDERS, VIOLATIONS

A. Domestic Violence Orders

1. Superior courts may issue Domestic Violence Restraining Orders pursuant to:

a. The Domestic Violence Prevention Act (DVPA), starting at Code of Civil Procedure Section 540.

b. The Family Law Act (FLA), starting at Civil Code Section 4000.

c. The Uniform Parentage Act (UPA), starting at Civil Code Section 7000.

2. The court may issue Temporary Domestic Violence Restraining Orders (TRO's) "ex parte" (i.e., without notice). Such TRO's are valid until the court hearing (the Order to Show Cause Hearing or "OSC"), which will be within 15-25 days of the TRO date.

3. After the hearing, the court may issue a 90-day Restraining Order, which may be extended by mutual consent of the parties for up to one year, or may be extended or otherwise terminated by the court.

4. Violation of a Domestic Violence TRO which is issued ex parte or after a court hearing is a misdemeanor pursuant to Penal Code Section 273.6.

B. Harassment Orders

1. Superior courts may issue harassment restraining orders and injunctions pursuant to Code of Civil

I. B. 1. (Cont'd) Procedure Section 527.6. Such orders may be issued in connection with domestic or nondomestic harassment.

2. Ex parte temporary harassment restraining orders are valid until the Order to Show Cause Hearing, which will be within 15 days of the TRO date.

3. After the hearing, the court may issue a renewable 3-year harassment injunction.

4. Willful violation of either a harassment TRO or a harassment injunction is a misdemeanor pursuant to Penal Code Section 273.6.

II. FORMAT OF COURT ORDERS

Although there are standard forms for each of the various types of restraining orders and injunctions, the forms are not always used by judges and attorneys. For example, restraining orders are often set forth in the narrative of related court orders, such as Interlocutory Judgments of Dissolution of Marriage. Regardless of the format, each order or injunction will set forth the actions for which the defendant can be arrested (e.g., threatening the complainant, contacting or visiting her/him, etc.). Each order or injunction should be examined for an expiration date. If none is specified, the document will expire on the court hearing date, if any. In the absence of a hearing date, the document should be compared to the categories in Part I, above, to determine the applicable expiration date. Restraining orders and injunctions are frequently endorsed with a judge's name or signature stamp rather than an original signature, and all documents can be canceled, modified, or extended by court order. *Records Division verification is required prior to enforcement of any restraining order or injunction.*

III. ENFORCEMENT OF COURT ORDERS BY RESPONDING OFFICERS

A. Whenever a complainant requests enforcement of a restraining order or injunction, the responding officer shall contact the Records Division (Warrants Section) to verify the existence and status of the order.

B. If the suspect willfully violates the terms of the restraining order or injunction in the member's presence, an arrest shall be made pursuant to Penal Code Section 273.6, provided that:

III. B. 1. The Records Division has a copy of the order on file and confirms the terms (actions prohibited), and

2. The order has not expired or been recalled, and

3. There is information to establish that the suspect had knowledge of the order prior to violating its terms. Such knowledge may be confirmed in one of three ways:

a. The Records Division confirms that the suspect or his/her attorney was present in court when the order was issued or that the suspect has since been served with a copy.

b. The Records Division has a copy of the order, and the complainant has a copy of the proof of service.

c. The Records Division has a copy of the order, and the responding officer advises the suspect of its terms. When a suspect has no prior knowledge of an order, the member shall advise him/her of the existence of the order and the terms he/she is violating. An arrest shall be made if the suspect continues to violate the order after being so advised.

C. Responding officers shall accept a citizen's arrest by the complainant if:

1. Violation of the terms of the restraining order or injunction takes place in the complainant's presence but not in the responding officer's presence, and

2. The order and the suspect's knowledge of it are confirmed as provided in Part III, B, 3 above, or the complainant produces a Resource Card (TF-869) indicating that an officer had previously read the pertinent term or terms to the suspect (refer to Part III, F, 3).

D. Upon making an arrest or accepting a citizen's arrest, the responding officer, in determining whether to make a physical arrest or to cite and release, shall assume that there is a reasonable likelihood that the offense will continue or resume or that the safety of persons or property will be imminently endangered by release of the person arrested if:

III. D. 1. There has been a wilful violation of a temporary restraining order involving physical violence or harm to the victim, or

2. The complainant has a Resource Card (TF-869) which shows that the Department has recently responded to a prior complaint, and the suspect was physically arrested or cited and released on such recent prior occasion.

E. If the complainant states that the suspect physically struck or abused her/him or exhibits evidence of having been struck or abused, the responding officer shall determine whether probable cause exists to make a felony arrest pursuant to Penal Code Section 273.5 or other applicable section.

F. The responding officer shall complete an arrest, offense, or Assignment Report, as applicable, regarding every call for service concerning domestic violence or a domestic dispute. *For statistical purposes, the notation "DV" shall be written in the upper right corner of all such reports.*

1. An offense report shall be completed if:

a. An arrest is made.

b. Violence is alleged or evident.

c. Whenever the Records Division has not received proof that the court order was served and the officer advises the suspect of its provisions. In such cases, the officer shall document the date, time, and content of his/her advisement and direct an extra copy of the offense report to the Warrants Section.

2. If an offense report is not required, an Assignment Report (236-253) shall be completed.

3. The complainant shall be given a Resource Card (TF-869) indicating the date and action taken, whether or not an arrest is made. If the officer advised the suspect of the court order pursuant to Part III, F, 1, c, above, the officer shall document the terms of the advisement on the Resource Card.

4. The restraining order or injunction number and issuing court shall be noted on any Arrest Report, citation, Crime Report, Assignment Report, or Resource Card which is completed.

III. F. 5. When the Records Division does not have proof of service, the officer may read the entire court order to the suspect and subsequently complete a proof of service form at the Warrants Section.

6. In the event that the suspect is arrested for an offense other than violation of the restraining order or injunction, the existence of the verified order shall be noted in the body of the arrest report or offense report.

IV. INVESTIGATORS

When seeking a complaint regarding violation of a restraining order or injunction, the investigator shall obtain a copy of the order and proof of service from the Records Division for submission to the District Attorney's Office.

V. RECORDS DIVISION

A. The Records Division shall maintain the file of restraining orders and injunctions alphabetically by the petitioners' names and shall verify the documents in accordance with the following criteria:

1. Address: The courts forward copies of restraining orders and injunctions to law enforcement agencies in cities where violence or harassment is likely to occur. Cities where the complainant and suspect live, work, or go to school or where they have close relatives may all receive copies of a restraining order or injunction. All such documents shall be filed.

2. Expiration Date: A restraining order or injunction is valid until the expiration date specified. If no expiration date is specified, but a court hearing date is set, the document is valid until the hearing date. If the expiration date is not specified, and no hearing date is indicated, the document shall be classified in accordance with Part I of this order to determine when it expires. Restraining orders and injunctions shall be placed in a 30-day suspense file upon expiration. If the document is not renewed or extended by the court during the 30-day period, it shall be destroyed.

3. Proof of Service: If the restraining order or injunction is marked to indicate that the respondent or his/her attorney was present in court when the order was issued, service is confirmed. Proof of service may also be established by separate service

V. A. 3. (Cont'd) documents or by mail or personal service. Members who advise a suspect of the terms of a restraining order or injunction may initiate a proof of service form at the Warrants Section if they read the entire order to the suspect.

4. Recalls, Cancellations: If the Warrants Section receives a written order certified by the court that the restraining order or injunction has been recalled or canceled, it shall be destroyed immediately.

5. Modifications, Extensions: The conditions of a restraining order or injunction may be modified or the date may be extended only by written order certified by the court. Such extensions and modifications shall be added to the file.

6. Terms: The body of the restraining order or injunction specifies activities in which the respondent is prohibited from engaging (e.g., visiting the petitioner's residence, harassing the petitioner, etc.). If the order meets the above criteria for confirmation, the Warrants Section shall advise the responding officer of the terms (prohibited actions).

7. Document Number: Each restraining order or injunction has a case number which is unique to the parties involved. The Warrants Section shall provide the number when confirming the order.

B. In the event that a restraining order is on file in another city, the Warrants Section shall telephone the appropriate law enforcement agency and request verification of the restraining order, proof of service, order number, issuing court, and terms. The agency shall be requested to forward copies of the restraining order and service documents to the Records Division.

C. When investigators seek copies of restraining orders, injunctions, and service documents, the Warrants Section shall provide duplicates only and retain the original documents in the file.

By order of

George T. Hart
Chief of Police

NEWARK POLICE DEPARTMENT
POLICE ACADEMY

UNIT TITLE:	Responding to Spouse Abuse
UNIT GOAL:	The officer will better understand the nature and causes of spouse abuse and learn new methods of handling these calls effectively in compliance with the new "Prevention of Domestic Violence Act" N.J.S.A. 2C:25-1 et al. He will also be made aware of the community resources presently available to assist him.
UNIT DESCRIPTION:	This training session exposes the officer to some of the social and psychological causes of spouse abuse. It distinguishes between criminal violations and civil disputes. It also specifies that when responding to a domestic violence call, the primary duties of the responding officer are to enforce the laws allegedly violated, to protect the victim, and to use available community resources. This session emphasizes compliance with the "Prevention of Domestic Violence Act" and the subsequent NPD General Order on Domestic Violence.
MIN. REQUIRED HOURS:	
RESOURCES:	N.J.S.A. 2C:25-1 et al NPD General Order - Domestic Violence Spouse Abuse and Wife Beating Spouse Abuse: A Guide for Police Trainees IACP Training Keys #245 and #246 About Wife Abuse
INSTRUCTOR:	Sergeant Luther Engler, Newark Police Department
DATE:	January 3, 1983

LESSON PLAN

RESPONDING TO SPOUSE ABUSE

I. INTRODUCTION:

Today we are going to discuss an issue that has tended to frustrate police officers for as long as I can remember, Domestic Violence. Domestic Violence (which includes spouse abuse) is a very complex social problem. The officers frustrations can be attributed to a lack of clear Department guidelines and the ineffectiveness of traditional police techniques. These police practices, which emphasize separation or reconciliation of the parties and avoidance of arrest, have proven to be inappropriate for violent calls. They may also have inadvertently contributed to repeat incidents of assaults against victims and officers alike by failing to provide the victim with adequate protection or to hold the assailant accountable for his actions.

Our techniques have been unsuccessful in a large number of cases because "Domestic Disturbance" is too broad a classification to allow exclusive use of only one approach. Another indication of our ineffectiveness is the growing number of law suits charging police malfeasance which have been filed by battered women and women's rights groups around the country.

As a result of some of this litigation, states are passing new laws directing law enforcement agencies to enforce criminal laws regardless of the relationship of the parties involved, to protect the victim, and to use available community resources to effect a more permanent solution to the social problems at issue.

Now we are going to take a look at the nature and causes of spouse abuse. The new "Prevention of Domestic Violence Act" (N.J.S.A. 2C:25-1 et al), NPD General Order on Domestic Violence, and examine the community resources that are presently available to help us with more permanent solutions to some of our Domestic Disturbance calls.

LESSON PLAN

RESPONDING TO SPOUSE ABUSE

TEACHING SEQUENCE	TEACHING STRATEGY
II. Responding to Spouse Abuse A. Understanding Spouse Abuse 1. What is Spouse Abuse - Assaultive behavior between adult intimates, in four forms: (Dr. Anne L. Ganley) a. Physical battering b. Sexual Violence 1) Physical attacks on victim's breasts/genitals 2) Forced sexual activity w/violence or threat of violence. c. Psychological battering 1) Occurs where there has been at least one episode of physical violence. 2) Victim knows he is capable of backing up threats w/physical assaults. d. Destruction of property and/or pets e. All four done to show control and domination f. Often his feelings of insecurity, anxiety and helplessness trigger his violence toward her. 2. Causes - Social Learning Theory a. Battering is one way that certain people have learned to respond to stress. 1) Not a universal response 2) Stress or may be internal - feelings of insecurity, inadequacy, or helplessness or external - interpersonal conflict, unemployment etc.	

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TEACHING SEQUENCE	TEACHING STRATEGY
b. All people have "breaking points" 1) Varies from person to person 2) Some laugh, cry, become passive, drink alcohol, talk, and some become violent. c. Largely depends on what they learned in the past. 1) Learned to reduce tension through aggression toward another. 2) Safest place to strike out, in terms of punitive consequences, is in the family. 3) Certain cultural and social values about masculinity support their violence. d. High percentage of batterers were battered as children or witnessed abuse between significant adults in their lives. e. Violence is often inadvertently reinforced by what follows the battering episode. 1) Victim (after the beating) does as he insists 2) Others treat him w/more respect 3) He feels more in control 4) Rarely punished f. With these reinforcers and lack of punishment, he is more likely to act out violently again when he is under stress.	

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RESPONDING TO SPOUSE ABUSE

TEACHING SEQUENCE	TEACHING STRATEGY
3. Characteristics of Men who Batter a. All races, occupations, ages, religions etc. b. Victims of abuse as children 1) Families training grounds for violence a) Selves or significant adults c. Minimize or deny seriousness of violence to selves and others. 1) Tell police only little fight 2) Painful for them to recognize what they are doing. d. Externalization 1) Attribute cause to victim, alcoholism, or other factors beyond his control. e. Isolation 1) Step by step cuts her off from her social support system. 2) Imposes isolation on self - few <u>real</u> friends f. Dependency on and excessive possessiveness of the victim. 1) Jealousy - assumes she is having an affair w/every man she sees. 2) Because of intense dependency on her, he is fearful that he may in some way lose her attention.	

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TEACHING SEQUENCE	TEACHING STRATEGY
3) Increased chance of violence if he perceives her trying to become independent of him.	
g. High need for control and domination	
1) Need to be in charge	
h. Tendency to expressemotions as anger	
1) everything is fine or angry	
2) Anger instead of hurt, anxiety, sadness, guilt, helplessness, vulnerability etc.	
i. Depression and suicide	
1) Prone to psychological disorders	
j. Low self esteem	
4. Cycle Theory of Battering Dr. Leonore Walker	
a. Three distinct phases - repeated over a period of time.	
1) Tension building phase	
a) More oppressive jealousy and possessiveness	
b) Little episodes of violence	
2) Battering or Violent phase	
a) Victims report that to fight back only invites more serious violence.	
3) Calm, loving phase	
a) He is usually sorry for what he has done	

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TEACHING SEQUENCE	TEACHING STRATEGY
b) His worst fear is that she will leave him and he is charming enough to attempt everything to make sure this doesn't happen. c) He believes he can control himself and will never hurt her again. d) Almost all the rewards of being married or coupled occur during phase three for the women, this is the time that is the most difficult for her to make a decision to end the relationship. e) The pleasant nature of this phase may lead some women to precipitate the beating in order to get to the third phase sooner rather than later. f) She in effect becomes an accomplice to her own battering. b. Many battered women are economically dependent on their husbands. 1) Primary reason abused women do not leave a) No money - no jobs - little hope of getting either. c. Fear of husband reprisal also contributes to keeping abused women in the battering relationship. d. Social isolation from family and friends is also a factor.	

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TEACHING SEQUENCE	TEACHING STRATEGY
e. Battered women, in short, do not know how to get out of their relationships. 5. How often does it happen a. One in ten battered women call police. 1) Trends more visible in low income families who are more likely to use public services. b. 50 - 60% of all marriages experience violence. (a national study) 1) Kentucky study - 21% of married women report having experienced at least one incident of spousal violence. B. Statutory Requirements 1. In colonial times, a husband had the right "To whip his wife, provided he used a switch no bigger than his thumb". a. Since the husband had to answer for her misbehavior, the law thought it reasonable to entrust him with the power of chastisement. 2. An early Pennsylvania ordinance expressly forbade a man to beat his wife after ten o'clock at night or on Sundays. 3. Wife beating was not made illegal in France until 1924 or in Scotland, Iron, and Italy until the 1970's. 4. Legal reform in the U.S. was initiated in the early 19th century.	

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TEACHING SEQUENCE	TEACHING STRATEGY

5. Statutes evolved with the help of recent class action suits to the present "Prevention of Domestic Violence Act" passed in New Jersey in 1982.
   a. These statutes suggest a growning national trend in which law makers are acknowledging the seriousness of spousal violence cases.
6. Defination
   a. Cohabitants - means emancipated minors or persons 18 years of age or older of the opposite sex who have resided together or who currently are residing in the same quarters, persons who together are the parents of one or more children, regardless of their marital status or whether they lived together at any time, or persons 18 years of age or older who are related by blood and who currently are residing in the same living quarters.
   b. Domestic Violence - means the occurrence of one or more of the following acts between cohabitants:
      1) Assault NJS. 2C:12-1
      2) Kidnapping NJS. 2C:13-1
      3) Criminal restraint NJS. 2C:13-2
      4) False imprisonment NJS. 2C:13-3
      5) Sexual assault NJS. 2C:14-2

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TEACHING SEQUENCE	TEACHING STRATEGY
6) Criminal sexual contact NJS. 2C:14-4 7) Lewdness NJS. 2C:14-4 8) Criminal mischief NJS. 2C:17-3 9) Burglary NJS. 2C:18-2 10) Harassment NJS. 2C:33-4 7. A law enforcement officer may arrest a person: a. When the officer has P.C. to believe that a person has violated the terms of a court order (e.g. restraining order). b. A victim exhibits signs of injury or there is other P.C. to believe that an oct of domestic violence has been committed. 8. A law enforcement officer shall <u>not</u> be held liable in any <u>civil</u> action brought by any party for an arrest based on probable cause, enforcement in good faith of a court order, or any other act or omission in good faith under this act. 9. A law enforcement officer shall disseminate to the victim the following notice which shall be written in both English and Spanish. (DP1:1884) a. You have the right to go to the juvenile and domestic relations court and file a complaint requesting relief including but not limited to the following: 1) An order restraining your attacker from abusing you; or directing your attacker to leave your household.	

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b. You may request that the clerk of the court assist you in applying for this order.	
c. You also have the right to go to court and file a criminal complaint.	
d. On weekends, holidays and other times when the courts are closed, you may go to the Municipal Court for an emergency order granting the relief set forth above.	
1) Department members shall be provided with the information necessary, i.e., Municipal Court weekend and holiday telephone number, to give victim.	Report Problems #3 - #4 - #6 officers comments in Block #11
10. To verify that the rights, under this "Act", were disseminated to the victim, officer shall have the victim affix his or her signature under block #20 of the N.J.S.P. Domestic Violence offense report. This signature shall immediately follow the designation of "Certification of Domestic Violence Victims Rights Notice received (DP1:1884)" which shall be written in by the officer executing the report.	
11. It shall be the duty of a law enforcement officer who responds to a domestic violence call to complete a (N.J.S.P.) domestic Violence offense report, (unless the victim is G.O.A.).	
a. This report shall be completed with the aid of special order from the Chief of Police No. 82-32 (pages 4 & 5).	

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C. Responding to the Call 1. Police operator - must determine if violence or a weapon is involved in the conflict - drinking - children. 2. Unless weapon is involved - proceed promptly w/out using lights or siren. a. If weapon is involved, lights and sirens should be used, but turned off. 3. Park the patrol car as close to the scene as possible, but not directly in front of the residence. 4. Listen at the door for 10 to 15 seconds for any sound. a. Look through a window if possible. 1) This can establish P.C., that a crime has been committed. 2) It can also justify forced entry in some cases. 5. Assume position on either side of the door and knock. 6. Identify selves and explain that you have been notified that someone inside may be hurt - so you want to come in and make sure that there is no problem. a. Must wait to be invited in unless you have reason to believe that the victim is in danger. (signs of a struggle - weapon - cry for help) 7. Since assailants frequently deny or minimize the seriousness of the violence, they may appear in perfect control and try to convince the officer that there is no need for	

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their presence. 8. He may also state that the victim is drunk, on drugs, or just fell down the steps. a. Officer should interview victim outside the presence of the assailant. 9. Once inside with the situation under control, the officers should determine if a criminal violation has occurred and what emergency services are needed. a. The woman should be asked if she is pregnant. 10. While ascertaining specifics about the incident, the officer should stop anyone who begins to incriminate himself and advise him of his rights. 11. In determining if a criminal violation has occurred, the following indicators should be considered: a. Seriousness of the injury b. Use of weapon c. Threats to victim d. Disarray of household and damaged property e. Existance of a valid protection order 12. If victim shows evidence of abuse and refuses medical attention, the officer should contact a neighbor, family member, or battered women's shelter staff and urge the person to make sure the victim receives medical care.	

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TEACHING SEQUENCE	TEACHING STRATEGY
a. Officer should calm and reassure the victim with such statements as, "It's over now. You're safe", or "You've been through a lot, but it's over".	
13. Many victims only want police officers to stop the violence and nothing more.	
a. If this is the case, the officer should explain law enforcement duties (if an arrest is warranted) and emphasize the danger of repeated beatings. (more frequent and severe)	
1) May have to explain that victim has suffered a criminal assault, not permitted between any two citizens regardless of their relationship - the assault represents a crime against the community.	
14. Interview witnesses outside victims presence.	
15. Non-verbal behavior	
a. If the officers need to maintain or restore order or authority, they should stand; if they wish to gather information or provide support, they should sit, but only if everone is sitting.	
b. Removing uniform hat indicates friendliness and relaxation; nodding head indicates acceptance.	
c. Eye contact establishes a feeling of concern and encouragement.	

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TEACHING SEQUENCE	TEACHING STRATEGY
D. Disposition Alternatives 1. After the officers have stopped the violence, restored order, and acquired the necessary information, they should decide how to resolve the case. a. At no time leaving the assailant unguarded to prevent a second attack. 2. The officers' first consideration should be the physical, emotional, and safety needs of the victim and children. 3. Next they should determine if the elements of a crime are present. 4. Third, they should consider what actions would be effective in preventing future assaults. 5. Several steps chosen in conjunction may work more effectively than one single action. a. A victim may be advised to seek a protection order and referred for medical attention and for emotional counseling. b. An assailant may be arrested, but may also be referred to an alcohol abuse treatment program. c. Officers should try to select from the range of alternative actions according to the particular needs of each case.	

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d. This requires flexibility and a knowledge of available services in the community.	
6. Our new "Prevention of Domestic Violence" law expanded police power to make a warrantless arrest - especially in simple assault cases.	
a. This is an important step in activating the criminal jusice system to reduce family violence.	
b. Officers may make an arrest for violations of court orders.	
1) He may verify the status of an order via C.C.	
c. If there is evidence of physical harm to the victim, the officers should make an arrest.	
7. Why arrest when called into a family disturbance that has resulted in violence?	
a. Above all, immediate arrest may prevent further injury.	
b. Secondly, out of fear of violence, fear of losing the relationship, fear of economic hardship, or shame etc., the victim, usually a woman, will often at some point attempt to protect her abuser from prosecution. Intervention by the police (arrest) shifts the responsibility of placing controls on	

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TEACHING SEQUENCE	TEACHING STRATEGY
the assailant from the victim to community agencies which increases the ability of the system to hold assailants responsible for their use of violence. 1) Prosecution practices which view victims as witnesses rather than a complainant further removes them from the responsibility of controlling their partners' violence. c. Finally, an arrest communicates to the parties that the abuser has committed a crime, that the victim has a right not to be beaten, and that the criminal justice system will take actions to stop abuse. d. A Police Foundation study showed that in domestic assault/homicides in Kansa City, in 85% of the cases, police had responded to at least one call at the address where the crime occurred, and in half the cases they had been there 5 times prior to the crime. 8. Many couples will need counseling and assistance, whether or not they stay together, even if they file criminal or civil legal actions. Thus they should be referred for social services. a. This single action could prevent the officers from being summoned back to the household to handle subsequent assaults.	

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TEACHING SEQUENCE	TEACHING STRATEGY
b. In order to make an effective referral, the officers must have information as to what social services are available in Newark..	
c. If officers do make a referral, they should recommend one agency, two at the very most - to avoid confusion.	
1) The officers could reassure the people that almost everyone needs some professional help or marriage counseling at sometime and that they are free to refuse the services if they are found to be unsatisfactory.	
9. No evidence of physical injury and no criminal charges - separation of parties is recommended.	
a. Officers should remain until separation is completed	
10. No likelihood of future violence - crisis intervention skills should be used.	
a. Individuals themselves must initiate the suggestions for any settlement and both agree to the settlement.	
1) It is the couple - not the officers - who must be pleased w/the settlement.	

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TEACHING SEQUENCE	TEACHING STRATEGY
E. Using Community Resources 1. Referrals may result in a reduction of the violence and in repeat calls to police. a. Corresponding reductions in victim & officer injuries should follow. 2. However, officers must first know what services are available before they can recommend them to anyone. 3. Officers may take an active role in making referrals by calling an agency while in the household or stand-by while the citizen makes the call. a. This reinforces immediate, direct action and makes sure the person has been connected to someone in a position to help. (Long Term) 4. The following is a partial list of Social and Mental Health Resources in Newark. a. Essex County Shelter for Battered Women and their children. 1) 24 hour hot line 484-4446 2) Counseling and emergency shelter 3) Battered woman and children (if any) are taken via radio car or ambulance, if necessary, to Presbyterian Hospital - screened and picked up by the shelter.	

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b. College Hospital abused Persons Program (456-6101). 1) For Victims and Batterers 2) Determines if victim wants to continue or break the relationship. 3) Provides placement of victim in a safe place. 4) Clinic 9 am - 3 pm / 456-6000 or 6101 5) 24 hour crisis hot line 623-2323 c. Crisis Hot Lines - 24 hours a day 1) South District - Beth Israel Hospital 201 Lyons Avenue, 926-7444 - ask for a Mental Health worker. 2) West District (Part of North) - N.J. Medical School Community Mental Health Center. 100 Bergen Street - 623-2323. 3) East District (Part of North) - Mt. Carmel Guild, 17 Mulberry Street - 624-2405. d. Child Abuse and Neglect 1) Division of Youth & Family Service (DYFS) 1100 Raymond Boulevard. a) Days 648-2544 b) Hot line (800) 792-8610 e. Newark Emergency Services for Families, Inc. (NESF) 303 - 309 Washington Street.	

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TEACHING SEQUENCE	TEACHING STRATEG
1) Temporary housing for non-fire victims. 2) Shelter @ Y (12th Floor) 3) 24 hour Hot line 824-0013 4) Days Barbara Harris 643-5727 f. Salvation Army (Social Services) 45 Central Avenue. 1) Emergency food - clothes - shelter . 2) 4 case workers - counselors 3) 8:30 am - 4:00 pm - 623-5959 4) Nights and weekends NESF hot line 824-0013 g. Homeless Shelter - Trailor - 22 Mulberry Street. 1) 8:00 pm - 6:00 am - Winter months 2) Coffee - T.V. - Keep warm (Max. 60 chairs) h. Missionary Sisters of Charity - (Sister Theresa) 170 Sussex Avenue - For homeless women. 1) 4:00 - 4:30 pm. - 481-9056 or 483-0165 i. City of Newark Division of Health & Welfare, 2 Cedar Street. 1) Single adults - 733-6430 j. Essex County Division of Citizen Services (formerly Welfare Division) 1) 733-3000 k. Alcohol Problems 1) N.J. Medical School Liver & Alcohol Clinic a) 456-6430	

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2) Alcoholic Anonymous (Several in Newark) a) for information call 763-1415 1. Drug Problems 1) CURA - 75 Lincoln Park a) 622-3570 2) Integrity, Inc. - 103 Lincoln Park a) 623-0600 3) New Well - 15 Roseville Avenue a) 242-0715	

III. SUMMARY

Thus, we have seen that the typical batterer tries to control and dominate his spouse, fearing that he may lose her. His physical violence is a learned response to stress. This violence continues because he usually gets what he wants and is rarely punished.

The woman endures the battering because she is usually economically and psychologically dependent on her husband and has no place else to go.

The present "Prevention of Domestic Violence Act" requires us to report to the State Police all reported domestic disturbance calls. We must also advise the victim of her rights and are allowed to arrest batterers for simple assault without witnessing it. Officers are afforded protection under this law from civil litigation when acting in good faith.

Once the officers have stopped the violence and insured the physical safety of all family members, they must determine if a crime has been committed. The use of arrest in spousal violence cases involving serious injury, use of a deadly weapon, and/or violation of a restraining order is entirely proper. It will also demonstrate to the batterer that violence will not be tolerated - no matter what the relationship of the people involved.

Finally, the use of referrals to other social agencies should be emphasized. This alone should reduce the number of repeat calls and consequent victim and officer injuries.

ILLINOIS DOMESTIC VIOLENCE ACT:

A LAW ENFORCEMENT OFFICER'S MANUAL

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Illinois Domestic Violence Act:

A Law Enforcement Officer's Manual

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This manual was developed with support from the Illinois Department of Public Aid and the Chicago Resource Center.

Preface

The Illinois Coalition Against Domestic Violence is a Statewide network of more than thirty-five community-based domestic violence programs. These programs provide victims of assault by other family members with 24-hour protection and safety, support, advocacy and referral through both residential and non-residential services.

The Illinois Coalition Against Domestic Violence, under a grant from the Illinois Department of Public Aid and the Chicago Resource Center, has developed materials and presented training on the recently enacted Illinois Domestic Violence Act. The Act, which is designed to provide effective legal remedies to domestic violence victims, requires full implementation by law enforcement officials, state's attorneys, and judges in order to provide victims the protection they need. This Manual is a comprehensive explanation of law enforcement's responsibilities under the law. Other materials on the Act, including manuals for state's attorneys, practicing attorneys and advocates, are available from the Illinois Coalition (please see Appendix G for list). The Coalition welcomes the opportunity to distribute these materials, to answer questions and to cooperate with state and local officials in implementing the law.

The Illinois Coalition Against Domestic Violence is very grateful to the numerous law enforcement officials who reviewed and commented on this Manual, and most especially to those officials who have agreed to serve on the Coalition's Illinois Domestic Violence Act Law Enforcement Advisory Committee (please see Appendix F for the names of the persons on the Committee).

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I. INTRODUCTION TO DOMESTIC VIOLENCE

A. Why Domestic Violence is a Criminal Justice Problem and How an Effective Legal System can Assist the Victim.

In recent years, domestic violence has received widespread public attention as a serious social problem affecting people in all economic, social and ethnic groups. Many law enforcement agencies consider violence within the family - child abuse, woman abuse and elderly parent abuse - to be the most frequent and under-reported crime in the United States.

Many police officers, prosecutors and judges have found domestic violence to be a difficult and frustrating problem for the criminal justice system to handle effectively. Some people believe that these cases are intrafamily matters that belong in the civil courts in domestic relations proceedings. Some people have become frustrated, indifferent or even hostile after encountering victims who are repeatedly abused and either do not press charges or return to the battering relationship. Still others hold onto faulty beliefs that victims of domestic violence really provoke the attack or masochistically enjoy the beatings.

A recent study conducted by New York City's Victim Service Agency has concluded that victims of domestic violence are less likely to be repeat victims if they seek help through the legal system (New York Times - February 27, 1982).

> This has come about in part because the police and the courts have vastly improved their attitudes toward battered wives, according to the report.

Many of the women interviewed stated:

> that a husband who has been arrested or is faced with a court order that provides for his arrest if he harms his wife is less likely to continue battering even if the wife does not pursue legal action. Court officials should realize that women who decide to drop charges or are reluctant to have husbands incarcerated may nonetheless benefit from filing charges in court, the report said. Forty-seven percent of the women reported that their spouses did not bother them again after their cases were disposed. Several women who reported a cessation of violence expressed the belief that the threat of sanctions was the reason. One woman said, "after spending a day in jail he sees he can get in trouble and pay for it. It taught him that I'll go to the police next time." (New York Times - February 27, 1982)

B. Domestic Violence Leads to Serious Physical Abuse.

The causes of domestic violence are numerous and complex (See Section I-D and I-E of this manual). As law enforcement officers, it is most important that you know that abuse often begins as a slap or a shove, but escalates into repeated beatings causing serious physical injury. If effective intervention does not occur, the abuse continues and in many cases, it leads to homicide.

C. Relation of Domestic Violence to Homicide.

In a study conducted over a two year period during 1976 and 1977, the Kansas City Police Department determined that in 85% of the cases of serious assault and homicide within the family, police had responded to a disturbance call at the

victim's and/or offender's address at least once in the prior two years. In 50% of the cases, they had visited those residences five or more times. This data supports the contention that the most reliable predictor of domestic violence is a "history" of violence. Certainly, proper response to domestic violence calls can be viewed as a most effective method of violent crime prevention (Domestic Violence and The Police, The Police Foundation, 1977, Washington, D.C.).

D. Understanding the Parties Involved in Domestic Violence.

Battered Women

Many battered women come from homes in which they were taught to be dependent upon their husband or boyfriend for economic survival and emotional identification. They are often economically dependent on their husband and this is the primary reason why many of these women do not leave; they have no money, no jobs and often times, very little hope of getting either. Low self-esteem of battered women is enhanced by the physical abuse and the economic dependence (Martin, Battered Wives, San Francisco, Glide Publications, 1976).

A training key on wife beating developed by the International Association of Chiefs of Police points out that the humiliation and shame connected with being physically abused tends to destroy a woman's self-esteem. The humiliation and shame of being assaulted time and time again by someone who is

intimate must create grave doubts about one's worth. The self image of the abused wife may drop to the point where she believes she was responsible for and deserving the abuse.

Battered women are often threatened by their spouses or boyfriends that if they take any steps to leave, they will be abused even more. Thus, many of these women do not know how to escape from their violent relationships. They often blame themselves for the failure of their relationships and start to believe that they are somehow to blame for the violence that has occurred. It is no wonder that they frequently come to feel responsible for and deserving of the abuse they suffer.

Abusive Men

One of the most common characteristics of the men who are involved in abusive relationships is that they were raised in a violent home: a home in which their mother and in which they too were abused. Having experienced abuse and violence as children develops in them a higher tolerance for violence as adults.

Abusive men feel personally inadequate and unable to live up to the masculine self-image they have of themselves. They often resort to the use of violence as a way to feel powerful and important. Abusive men are excessively possessive and jealous. Battered women are frequently accused by their abusers of being involved with other men. These involvements are most often imagined by the man.

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Another characteristic of abusive men is their tendency to minimize the seriousness of their behavior. They will deny that they have battered their partner, fabricate some story to excuse the abuse or try to blame their victim for the incident. A significant percentage of abusive men are also alcoholics.

E. When Victims of Domestic Violence are Reluctant to Prosecute: Understanding the Cycle of Violence.

Dr. Lenore Walker, a psychiatrist who has done extensive work in the area of domestic violence, believes that there is a predictable "cycle of violence" in most abusive relationships. Dr. Walker identifies three phases in most abusive relationships. Understanding these phases will enable police officers to respond more effectively to victims of domestic violence:

1. In the first phase, tension builds between the couple. If there has been previous abuse, the victim knows what will soon follow and may attempt to communicate this to the police. Police officers who do not know what is occurring in this phase may not provide appropriate service.

2. In the second phase, the actual abuse occurs. Police officers answering a call for service during this stage should arrest the offender if he is still on the scene. In many of those cases where police did not make an arrest, serious injury, including homicide, has occurred following departure of the police.

3. In the third phase, the typical abuser becomes extremely affectionate and devotes significant attention to his victim. He often overwhelms her in his attempts to persuade her to remain in the relationship. The woman may be motivated by compassion for the abuser, a willingness to forgive him, a sincere desire to keep the family together, or the harsh economic realities of separation or divorce. Women often appear in court while they are in this phase, and it is for this reason that we find women dropping charges they have placed against their abusers (Walker, Lenore. The Battered Woman, Harper and Row, New York, 1979).

Battered women also tend to discontinue prosecution due to fear. From the moment that a victim signs a criminal complaint through trial, and even afterwards, (s)he is vulnerable and defenseless to the abuser's rage and violence. The Illinois Domestic Violence Act (IDVA) and its new Order of Protection might offer the protection or sense of protection that the victim needs during a court proceeding. The Order is available pending trial, after conviction, during a dissolution action and in an independent action for Order of Protection.

If the victim is reluctant to sign a complaint, police should advise her of her rights under the IDVA, in particular, the Order of Protection and the possibility of court ordered counseling for the abuser (See Section II-B of this manual for remedies under the Order of Protection)

F. Proper Police Response Encourages the Victim to take Further Action and Discourages the Abuser's Violent Behavior.

The manner of police response to domestic violence calls can provide clear and concise messages to both the abused and the abuser. Proper response will tell the victim that what has occurred is a crime and should not be permitted. Proper response will tell the abuser that his behavior is unlawful and will not be tolerated by society.

Police officers are not required to save marriages or to preserve intimate relationships. They are neither problem-solvers nor marriage counselors. Police officers are responsible for responding to calls for service which allege that a domestic crime has occurred and for providing police service as required by law in general and by the Illinois Domestic Violence Act in particular.

II. THE ILLINOIS DOMESTIC VIOLENCE ACT

A. Introduction to the Illinois Domestic Violence Act.

The Illinois Domestic Violence Act (IDVA), effective March 1, 1982:

- **RECOGNIZES** the seriousness of domestic violence and the harm it causes to Illinois families;
- **PROVIDES** new remedies in criminal and civil court to victims of domestic violence;
- **AFFIRMS** existing Illinois law which holds that police can make an arrest without a warrant if they have probable cause to believe a person has committed a criminal offense.
- **AUTHORIZES** police to arrest for violations of certain provisions of an Order of Protection, now a Class A misdemeanor.

The IDVA emphasizes the critical role that the criminal justice system plays in providing protection to victims and in changing the abusive behavior of family members. The Act requires a coordinated response from all segments of the legal system - domestic relations courts, criminal courts, law enforcement officers, prosecutors and probation officers - in granting remedies and in vigorous enforcement and prosecution of domestic violence cases.

The serious commitment of law enforcement to the mandate of the Act will assure that victims receive the protection and assistance that will bring harmony to their families.

B. The New Court Order: Orders of Protection.

The IDVA creates a new remedy, the Order of Protection. An Order of Protection is a document signed by a Judge of the Circuit Court that orders an abusive person to do certain things or to refrain from doing certain things as follows (Section 208, IDVA):

1. Order the respondent to refrain from striking, threatening, harassing or interfering with the personal liberty of the petitioner or any other family or household member; (violation of this section is a Class A misdemeanor)

2. Granting possession of the household or residence to the petitioner, to the exclusion of the respondent, when (1) the parties are spouses; (2) the residence or household is solely or jointly owned or leased by the petitioner; or (3) the respondent has a legal duty to support the petitioner or minor children; (violation of this section is a Class A misdemeanor)

3. Award temporary custody or establish visitation rights with regard to minor children;

4. Prohibiting the respondent from removing a minor child from the jurisdiction or concealing a minor child from his or her parent or person in loco parentis, or ordering the respondent to appear in court with a minor child;

5. Requiring or recommending the respondent to undergo counseling for a specified duration with a social worker, psychologist, clinical psychologist, psychiatrist, family service agency, mental health center guidance counselor or any other guidance service the court deems appropriate;

6. Restraining the respondent from transferring, encumbering, concealing, damaging or otherwise disposing of petitioner's property or joint property of the petitioner and respondent;

7. Requiring the respondent to pay temporary support for the petitioner or any child in the petitioner's custody, or both, when the respondent has a legal obligation to support that person;

8. Requiring the respondent to pay the petitioner actual monetary compensation for losses suffered as a direct result of abuse;

9. Requiring the respondent to pay court costs and reasonable attorney's fees, in connection with any action to obtain, modify, enforce, appeal or reopen any Order of Protection;

10. Entering such injunctive relief as many be necessary or appropriate.

One of the most important provisions of the Illinois Domestic Violence Act is that a violation of the above sections (1) and (2) are Class A misdemeanors. In the past, police officers were unable to intervene where there had been a restraining order or injunction issued and a violation of such had occurred because those were civil matters.

As in the case of any Class A misdemeanor, if the officer arrests the offending party for violation of an Order of Protection, (s)he will have to post a $100.00 cash bond and will be given a date to appear before a criminal court judge.

C. Orders of Protection: Who is covered?

IDVA is intended to apply to situations between family or household members in which violence has occurred or is threatened, or in which harassment is being used to create the fear or apprehension of physical violence. "Abuse" is defined broadly to include any act of striking, threatening, harassing or interfering with the personal liberty of any family or household member by any other family or household member (Section 103(1), IDVA).

The definition of "family or household members" includes spouses, individuals who were formerly spouses, individuals sharing a common household, or parents and children (Section 103(2), IDVA). IDVA will most frequently apply to battered women, abused elderly parents and battered children.

This manual is primarily directed to police response in situations involving battered women. Officers will have occasion to deal with victims who are children, elderly or physically or emotionally disabled. Special training for responding to the particular needs of these persons should supplement this manual. The legal remedies provided by the IDVA are available to all victims of domestic violence.

D. Where Can a Victim Obtain an Order of Protection?

The Order of Protection can be issued in the following ways (Section 202, IDVA):

1. In a criminal proceeding where a charge is pending against the abuser or upon conviction as a condition of his sentence;

2. In a civil proceeding when the victim has filed a request for an Order of Protection; and

3. In a civil proceeding as part of a dissolution/legal separation or annulment action.

III. LAW ENFORCEMENT RESPONSIBILITIES UNDER IDVA

A. Arrest Without a Warrant.

1. Current Illinois Law.

Illinois law provides for arrest without a warrant in misdemeanor and felony situations, when the police officer has reasonable grounds (probable cause) to believe that the arrested person is committing or has committed an offense. The IDVA recognizes this authority.

B. Orders of Protection.

1. Violation of Certain Provisions of an Order of Protection is a Class A Misdemeanor.

The IDVA authorizes law enforcement officers to arrest a person who violates the following provisions of an Order of Protection:

(ABUSE OR THREATS) Section 208(c)(1) - Ordering the respondent to refrain from striking, threatening, harassing or interfering with the personal liberty of the petitioner or any other family or household member; and

(EXCLUSIVE POSSESSION) Section 208(c)(2) - Granting possession of the household or residence to the petitioner, to the exclusion of the respondent, when (1) the parties are spouses; (2) the residence or household is solely or jointly owned or leased by the petitioner; or (3) the respondent has a legal duty to support the petitioner or minor children.

Any violation of the above provisions of an Order of Protection shall be a Class A misdemeanor if,

(1) the violation occurs after the respondent has been served notice of the Order (by a Sheriff or special process server);

or

(2) the violation occurs after the respondent has received actual knowledge of the Order (Section 212, IDVA). Actual knowledge or notice could be any of the following:

- abused party states that (s)he told respondent of the provisions of the Order
- respondent was present in Court at time of issuance of the Order
- respondent states (s)he is aware of the provisions of the Order
- when Order of Protection grants exclusive possession to petitioner, if officer finds respondent in the home, (s)he can be advised of the provisions of the Order and given time to leave voluntarily - failure to leave will give the officer probable cause to arrest -

2. When is it Appropriate to Arrest for Violation of an Order of Protection?

If the victim has an Order of Protection:

(a) - against abuse and threats

- officer determines respondent has abused or threatened her
- **OFFICER HAS PROBABLE CAUSE TO ARREST FOR BATTERY OR AGGRAVATED BATTERY, AND IF**
- officer determines respondent has notice or knowledge of provision of Order of Protection
- **OFFICER HAS PROBABLE CAUSE TO ARREST FOR VIOLATION OF ORDER OF PROTECTION AND/OR BATTERY**

- if officer arrests for violation of Order of Protection against abuse and threats, the charge is Chapter 40, Section 2302-8c1

(b) - granting her exclusive possession of the premises

- officer determines respondent is on premises

- officer determines respondent had notice or knowledge of provisions of Order of Protection

- **OFFICER HAS PROBABLE CAUSE TO ARREST FOR VIOLATION OF ORDER OF PROTECTION**
(In this situation, violation of the Order of Protection may be the only grounds for arrest, especially if there is no battery committed)

- if officer arrests for violationof Order of Protection granting abused person exclusive possession, the charge is Chapter 40, Section 2302-8c2

3. How to Verify that an Order of Protection has been Issued.

All Orders of Protection will be recorded by the Department of Law Enforcement in LEADS. Officers can verify the existence of an Order of Protection and its provisions by referring to copy provided by the victim or by radio or telephone communication with the IDLE/LEADS system (Section 302(b), IDVA).

C. Maintaining Data on Orders of Protection.

1. Sheriffs

Under the IDVA, Sheriffs are required to furnish the Department of Law Enforcement, daily, copies of Orders of

Protection issued by the court. The clerk of the court is required to transmit the Orders to the Sheriff (Section 302(a), IDVA).

2. The Department of Law Enforcement.

The Department of Law Enforcement, through the LEADS system, will maintain information on Orders of Protection issued throughout the state. This is critical to effective police work under the Act. The data will be used to inform dispatchers and law enforcement officers when responding to an incident of abuse or violation of an Order of Protection of (Section 302(b), IDVA);

a) the date of issuance and expiration of the Order;

b) the terms of the Order.

D. Reporting Requirements.

The IDVA requires law enforcement officers investigating an incident of domestic violence between family or household members to make a written report of the incident. The report must include the following information (Section 303, IDVA):

1. The abused victim's statement as to the frequency and severity of prior incidents of abuse and the number of times the police have been called for prior incidents of abuse.

2. The disposition of the officer's investigation.

A department can design a reporting form specifically for domestic violence offenses, or can use the report for general offenses. Regardless of which form is used, the above information must be included. Every police department is required to record and compile as a domestic crime, every police report made of an incident of abuse between family or household members.

For purpose of Uniform Crime Reporting, the proper method code designation for domestic violence is 387.

E. Victim Assistance.

The IDVA recognizes that the police role in responding to domestic violence is diverse, including the option of arresting the abuser, as well as assisting the victim with immediate transportation and advice as to her rights whenever a law enforcement officer has reason to believe that a person has been abused by a family or household member. The Act requires that officers use all reasonable means to prevent further abuse, including but not limited to the following (Section 304, IDVA):

1. Arrange or provide for the victim to be taken to a medical facility for treatment of injuries or arrange and provide transportation to a shelter or safe home.

2. Accompany the victim to her place of residence for a reasonable period of time to remove personal and necessary belongings for herself and/or the children.

3. Provide the victim with a summary of her rights under this act, written in English and Spanish, (see Attachment A) the name of social service agency that the victim may contact and the officer's name and badge number.

4. Arrest of the abusive party if probable cause exists.

If the officer does not arrest the abusive person, (s)he is required to do the following (Section 304(b), IDVA):

1. Complete a report providing information on the nature of the incident and the outcome of the investigation as specified in Section III-D of this manual.

2. Inform the victim that she can initiate criminal proceedings at a later time. Provide information about the particulars of filing a criminal charge, including time and location.

3. **Advise the victim of the importance of preserving evidence.** It is often the abusive person's word against the victim's word when the case goes to court. Therefore, as in all criminal investigations, physical evidence and witnesses are critical.

For Example:

(a) If the victim has injuries and/or if the apartment has property damage, call for an evidence technician to take pictures or advise the victim to take pictures. Pictures of the property damage coupled with the woman's bruises may be the factors that will convince the judge of the serious criminal behavior involved.

(b) If a neighbor heard screams and called the police, obtain her/his name and a statement. She/he can testify that screams or other sounds indicating a fight were heard at a certain time, coming from the victim's house.

STATE OF ILLINOIS COUNTY OF

IN THE CIRCUIT COURT OF

— Vs. —	No. _____ ☐ Independent Petition ☐ Criminal Proceeding ☐ IMDMA Proceeding	File Stamp Here
PETITIONER/PLAINTIFF	ADDRESS	CITY
On behalf of:		
RESPONDENT/DEFENDANT	ADDRESS	CITY

EX PARTE DOMESTIC VIOLENCE ORDER OF PROTECTION

The Court, having jurisdiction over the subject matter, finds that the respondent has committed abuse as defined by the Illinois Domestic Violence Act.

AND BASED ON THE FOLLOWING FURTHER FINDINGS:

☐ The petitioner has diligently attempted to obtain service of process upon the respondent and has diligently attempted to serve written notice of the date, time and location of the hearing together with a copy of the petition and all supporting affidavits upon the respondent in accordance with Supreme Court Rules 11 and 12; and/or

☐ The irreparable injury which the following remedies are intended to prevent would have been likely to occur if respondent had been given prior or earlier notice of this hearing;

IT IS HEREBY ORDERED THAT:

☐ 1. The respondent shall refrain from striking, threatening, harassing or interfering with the personal liberty of _____

or any other family or household member, namely, _____

_____

_____

Particularly s/he shall not: _____

☐ 2. Possession of the residence located at _____

is granted to _____

to the exclusion of the respondent, who shall not enter it even with the consent of any of its inhabitants. This order does not affect title to property.

Any violation of paragraphs 1 or 2 of this Order of Protection constitutes a CLASS A MISDEMEANOR and subjects the respondent to immediate arrest, provided s/he has been served notice or has actual knowledge of this order.

WILLFUL VIOLATION OF ANY PROVISION OF THIS ORDER CONSTITUTES CONTEMPT OF COURT AND MAY RESULT IN FINE OR IMPRISONMENT.

EX PARTE DOMESTIC VIOLENCE ORDER OF PROTECTION

Case No. _____

☐ 3. Temporary custody of the minor child/ren _____ _____ is awarded to the petitioner, subject to visitation on the following days and times: _____.

Respondent shall pick up and drop the child/ren at: _____.

☐ 4a. The respondent is prohibited from removing the minor child/ren from the jurisdiction of the Court and from concealing them from the parent or person in loco parentis.

☐ 4b. The respondent shall appear in Courtroom _____ at _____ m. on _____ _____ with the minor child/ren.

☐ 5. (LEADS #6) The respondent shall not transfer, encumber, conceal, damage, or otherwise dispose of any property solely or jointly owned by the petitioner, or any other family or household member, except as follows: _____ _____.

☐ 6. (LEADS #10) The respondent is further enjoined as follows: _____ _____ _____

☐ Petitioner, having filed a proper affidavit, shall be permitted to proceed with this claim as a pauper and shall not be required to pay fees for filing, service, transcripts or copies of orders.

The following remedies, requested by the petitioner pursuant to the Illinois Domestic Violence Act, Subsection (c) of Section 2302-8, were denied for the stated reasons:

_____
_____
_____
_____

The hearing for an extension of this Order of Protection will be held on:

Date _____ Time _____ Courtroom _____

This Order was issued on:

Date _____ Time _____

This Order will expire on:

Date _____ Time _____

Name _____

Attorney for _____

Address _____

City _____

Telephone _____

ENTER: _____
JUDGE

The petitioner, the petitioner's attorney or Clerk of the Court should complete the following information about the respondent so that this order can be entered into the Illinois Department of Law Enforcement's LEADS computer system by the sheriff.

BIRTHDATE	SEX	RACE	HEIGHT	WEIGHT	HAIR	EYES	SOCIAL SECURITY NUMBER
DISTINGUISHING FEATURES AND ALIAS INFORMATION							DRIVER'S LICENSE

NOTICE TO RESPONDENT:

Upon 2 days notice to the petitioner who has obtained an ex parte order, or upon such shorter notice as the Court may prescribe, a respondent who is subject to an ex parte order may appear and move for its dissolution or modification. Any motion for dissolution or modification by the respondent must be supported by affidavit.

IV. SUGGESTED POLICE POLICY AND PROCEDURES FOR COMPLIANCE WITH THE IDVA.

A comprehensive effort to familiarize officers with their responsibility under the Act will accomplish two goals:

a) to insure that victims receive the proper assistance and protection; and

b) to insure that department policies and procedures are in compliance with the Act.

The following steps should be taken in furtherance of these goals:

A. Issue orders or directives setting forth the responsibilities of law enforcement officers under the Act.

B. Distribute orders to all department members and review orders at roll call at periodic intervals.

C. Develop a recruit and in-service training program that follows the curriculum detailed in Attachment B. This curriculum has been adopted by the Police Training Institute.

D. Distribute this manual to all law enforcement officers.

E. Develop liaisons with community groups, social service agencies and other organizations to determine victim and community perception of police response and compliance with IDVA. These contacts will yield referrals and back-up assistance for officers responding to victims in need of social services.

F. Sanctions should be imposed against officers who fail to comply with their responsibility under the IDVA.

V. LIMITED LAW ENFORCEMENT LIABILITY

The IDVA states that (Section 305, IDVA):

> Any act of omission or commission by any law enforcement officer acting in good faith in rendering emergency assistance or otherwise enforcing this Act shall not impose civil liability upon the law enforcement officer or his or her supervisor or employer, unless the act is a result of willful or wanton misconduct.

It is suggested that the comprehensive plan for compliance with the IDVA as outlined in Section IV of this manual will decrease the potential for litigation.

The policies, procedures and command staff of a department cannot guarantee that every patrol officer, who ultimately carries out the law enforcement mandate of the Act, will follow the Act, but they can set a standard of expected behavior. The patrol or line officer must know what is expected of him/her and what the consequences will be for failure to abide by department policy.

VI. SAMPLE ORDER FOR POLICE PROCEDURES UNDER THE IDVA

I. Purpose:

The purpose of this Order is to establish policy and procedures for responding to domestic violence calls in compliance with the Illinois Domestic Violence Act.

II. Policy:

It is the policy of this department to provide immediate effective assistance and protection to victims of domestic violence and to take appropriate action against offenders.

III. Definitions:

For the purpose of this policy, the following definitions apply:

(a) "Abuse" means the act of striking, threatening, harassing or interferring with the personal liberty of any family or household member by any other family or household member, but excluding reasonable discipline of a minor child by a parent or person in loco parentis of such minor child.

(b) "Family or household members" means spouses, individuals who were formerly spouses, individuals sharing a common household, parents or children.

(c) "Order of Protection" means a final, preliminary or temporary order granted by the court which may include any or all of the remedies outlined in Chapter 40, Section 208, of the Domestic Violence Act.

(d) "Petitioner" is the person who requests the action or relief in an Order of Protection.

(e) "Respondent" is the person to whom an Order of Protection is directed.

IV. Officer Responsibilities Under the IDVA:

The IDVA requires officers to assist the victim, arrest the abuser, if probable cause exists, and to report the incident.

A. Assistance to the Victim.

If the officer determines that a person has been abused by a family or household member, the officer shall take all reasonable steps to prevent further abuse including, but not limited to the following:

1. Transporting the victim to a medical facility if such treatment is necessary.

2. Transporting the victim to a shelter or a safe home.

3. Accompanying the victim to her residence to remove necessary or personal items.

4. Supplying the victim with information written in English and Spanish of her rights under the Illinois Domestic Violence Act, a referral to a social service agency and the name and badge number of the officer.

5. Advising the victim as to her right to file a criminal complaint at a later date and where such complaint can be filed.

6. Advising the victim about the importance of preserving evidence. (If she has a picture of her injuries, she can testify that the picture accurately portrays how she appeared after the beating.)

If the officer does not arrest the abusive person, (s)he is required to do the following (Section 304(b), IDVA):

1. Complete a report providing information on the nature of the incident and the outcome of the investigation as specified in Section III-D of this manual.

2. Inform the victim that she can initiate criminal proceedings at a later time. Provide information about the particulars of filing a criminal charge, including time and location.

3. Advise the victim of the importance of preserving evidence.

B. Arrest

1. Arrest Without Warrant.

(a) Officers can make an arrest without a warrant if they have probable cause to believe a person has committed a criminal offense, i.e. battery against the victim.

(b) Officers can make an arrest without a warrant if they have probable cause to believe the person has violated one of the provisions of an Order of Protection prohibiting threats and abuse or granting exclusive possession of the dwelling to the victim.

NOTE: OFFICERS MUST DETERMINE THAT OFFENDER HAS BEEN SERVED WITH A COPY OF THE ORDER OF PROTECTION OR HAS ACTUAL NOTICE. CHECK VICTIM'S COPY OF ORDER OF PROTECTION OR VERIFY PROVISIONS OF ORDER OF PROTECTION BY RADIO OR TELEPHONE COMMUNICATIONS WITH IDLE/LEADS SYSTEM.

C. Reporting the Incident.

Every officer investigating an incident of abuse between family and household members shall:

1. Prepare a written report to include the following:

   - disposition of the allegation

   - victim's statement as to frequency and severity of prior incidents by the same family member, and

   - the number of prior requests for police assistance

Attachment A

STATE OF ILLINOIS COUNTY OF

IN THE CIRCUIT COURT OF

— Vs. —	No. _____ ☐ Independent Petition ☐ Criminal Proceeding ☐ IMDMA Proceeding	File Stamp Here
PETITIONER/PLAINTIFF	ADDRESS	CITY
On behalf of:		
RESPONDENT/DEFENDANT	ADDRESS	CITY
SERVICE MADE ON RESPONDENT BY: ☐ Presence in Court ☐ Personal Service Date:		

DOMESTIC VIOLENCE ORDER OF PROTECTION

The Court, heving jurisdiction over the subject matter and the parties, finds that the respondent has committed abuse as defined by the Illinois Domestic Violence Act.

IT IS HEREBY ORDERED THAT:

☐ 1. The respondent shall refrain from striking, threatening, harassing or interfering with the personal liberty of _____

or any other family or household member, namely, _____

Particularly s/he shall not: _____

☐ 2. Possession of the residence located at _____ is granted to _____ to the exclusion of the respondent, who shall not enter it even with the consent of any of its inhabitants. This order does not affect title to property.

Any violation of paragraphs 1 or 2 of this Order of Protection constitutes a CLASS A MISDEMEANOR and subjects the respondent to immediate arrest, provided s/he has been served notice or has actual knowledge of this order.

WILLFUL VIOLATION OF ANY PROVISION OF THIS ORDER CONSTITUTES CONTEMPT OF COURT AND MAY RESULT IN FINE OR IMPRISONMENT.

☐ 3. Temporary custody of the minor child/ren _____ is awarded to the petitioner, subject to visitation on the following days and times: _____.

Respondent shall pick up and drop the child/ren at: _____.

☐ 4a. The respondent is prohibited from removing the minor child/ren from the jurisdiction of the Court and from concealing them from the parent or person in loco parentis.

☐ 4b. The respondent shall appear in Courtroom _____ at _____ m. on _____ with the minor child/ren.

☐ 5. The respondent shall undergo counseling at _____ at least _____ per _____, beginning no later than _____ and continuing at least until _____.

INSTRUCTIONAL GUIDELINE

1. Type of conduct prohibited by Illinois Domestic Violence Act, definition of "abuse":

   (a) Striking
   (b) Threatening
   (c) Harassing
   (d) Interfering with the personal liberty

2. Individuals covered by the Illinois Domestic Violence Act, definition of "family or household member":

   (a) Spouses
   (b) Former spouses
   (c) Individuals sharing a common household
   (d) Parents and children
   (e) Applicability in elderly abuse and child abuse cases

3. Orders of protection:

   (a) Remedies which may be granted by the court in an order of protection

   (b) Duration of an order of protection

   (c) Procedures for obtaining an order of protection - in civil and criminal courts

   (d) Penalty for violation - class A misdemeanor

   (e) Method for verifying the existence of an order of protection

   (f) Emergency orders of protection without notice

   (g) Orders of protection in cases of child abuse or child sexual assault

4. Authorized use of arrest in domestic violence cases:

   (a) Purpose of arrest, even when woman is reluctant to prosecute

   (b) Arrests without warrant in domestic violence cases

   -where a criminal offense is occurring or has occurred between family or household members, whether or not in the presence of the officer

   -where a violation of an order of protection is occurring or has occurred

   (c) Civil immunity for good faith enforcement of the Act

5. Police responsibilities under the Illinois Domestic Violence Act:

   (a) Written police reports of incidents of domestic abuse including:

   -facts and circumstances of the abuse incident

   -victim's statements as to the frequency and severity of prior incidents of abuse by the same family or household member

   -victim's statements as to the number of prior calls for police assistance

   -disposition of the investigation

   (b) Providing or arranging transportation for victims of abuse

   -to a medical facility for treatment of injuries

   -to a nearby place of shelter or safety

   (c) Accompanying victims of abuse to their place of residence for a reasonable period of time to remove necessary personal belongings

   (d) Providing victims of abuse with a bilingual pamphlet informing them of remedies under the Act, including:

   -one referral to a social service agency

   -officer's name and badge number

   (e) Where no arrest is made:

   -making a police report of the investigation and disposition of the case

   -informing victims of abuse of the manner in which criminal proceedings may be initiated

   -informing victims of abuse of the importance of preserving evidence

Attachment B

ILLINOIS DOMESTIC VIOLENCE ACT: RIGHTS OF VICTIMS

Battery is a crime. Any person who hits, chokes, kicks, threatens, harasses or interferes with the personal liberty of another family or household member (except reasonable parental discipline) has broken the law.

Victims of domestic violence have the right to:

- be protected from further abuse
- press criminal charges against the abuser. (NOTE: Jail is not the only outcome if the abuser is found guilty.)

The court may now issue an **Order of Protection** on the victim's behalf. The Order can:

- protect from further abuse*
- bar the violent party temporarily from the home*
- order the offender to pay support, medical costs and legal expenses
- award child custody and prohibit child snatching
- prohibit destruction of victim's property
- require offender to undergo counseling
- offer other relief as appropriate

To obtain an **Order of Protection:**

1. ask your attorney to file a petition in civil court, or
2. request an **Order of Protection** in conjunction with divorce proceedings, or
3. request an **Order of Protection** during the course of criminal prosecution.

Law enforcement officers are to use all reasonable means to prevent further abuse, including

- arranging for the victim's transportation to a medical facility or safe shelter, and/or accompanying the victim back to the residence to get belongings.
- arresting the abuser where appropriate, and completing a police report on all bona fide incidents (victim should get a copy of the report)
- advising the victim of his/her rights and the importance of preserving evidence

If the abuser has left the scene and has not been arrested, you can still press criminal charges by going to your local State's Attorney Office during normal business hours.

To contact the domestic violence program in your area, see the reverse side of this sheet
For other help, contact _____

*Violation of these provisions is a Class A Misdemeanor

_____ _____ _____ _____
Officer's Name Department Date Badge No

ACTA DE VIOLENCIA DOMESTICA DE ILLINOIS: DERECHOS DE LAS VICTIMAS

La violencia es un crimen. Cualquier persona que golpéa, estrangula, patéa, amenaza, acosa o interfiere con la libertad personal de un miembro de su familia o de otra persona que vive en casa (con excepcion de disciplina parental razonable) ha quebrantado la ley.

Victimas de violencia doméstica tienen el derecho de:

- ser protegidas de abuso adicional
- formular cargos criminales contra la persona que comete el abuso. (NOTA Encarcelamiento es resultado posible si la persona que comete el abuso se encuentra culpable, pero **hay** otros alternativos.)

La corte puede expedir una **Orden de Protección** a avor de la victima La Orden puede.

- proteger de abuso adicional*
- excluir temporeramente la persona que comete violencia de vivir en la casa*
- ordenar a la persona que comete la ofensa a pagar manutención, costos médicos y honorarios legales
- conceder custodia de los niños y prohibir el secuestro de los niños
- prohibir destrucción de la propiedad de la victima
- requerir que la persona que comete la ofensa tenga tratamiento
- ofrecer otra solución como see apropiada

Para obtener una **Orden de Protección:**

1. pida a su abogado que registre una petición en la corte civil, o
2. pida una **Orden de Protección** en conjunto con el procedimiento de divorcio, o
3. pida una **Orden de Protección** durante el curso del enjuiciamiento criminal.

Una Orden puede ser pedida a favor suyo y/o a favor de sus niños o un adulto incapacitado.

Los oficiales encargados del cumplimiento de las leyes han de usar todos los pasos razonables para evitar abuso adicional, incluyendo:

- haciendo arreglos para la transportación de la victima a una facilidad médico o albergue seguro, y/o acompañando la victima a su residencia para recoger sus pertenencias
- arrestando a la persona cometiendo el abuso cuando es apropiado, y completándo un reporte de policia de todos los incidentes actuales (la victime deberia recibir una copia del reporte).
- informando a la victima de sus derechos y de la importancia de preservar evidencia de los hechos

Si la persona que comete el abuso ha abandonado la escena del delito y no ha sido arrestado, todavia usted puede formular cargos criminales presentándose a la Oficina del Fiscal del Estado local durante las horas normales de trabajo.

Para ponerse en contacto con el programa de violencia doméstica en su area, vea el otro lado de este documento Para otra ayuda póngase en contacto con _____

*Violación de estas provisiones es un Delito Menosgrave Clase A

_____ _____ _____ _____
Nombre del Oficial Departamento Fecha Placa No

Attachment C

SAMPLE DOMESTIC VIOLENCE REPORTING FORM

VICTIM

Name:
Address:
Home Phone: Work Phone:
Age: Sex:
Were children present in the home? How many? Ages?

OFFENDER

Name:
Address:
Home Phone: Work Phone:
Social Security #: License #:
Description: Ht. , Wt. I.D. Marks
Date of Birth: / / Sex:
Race: Asian Black American Indian
Caucasian Hispanic

INJURIES

Injuries? Yes No Extent of injuries: Minor Serious
Were the injuries visible? Yes No
Did Victim need medical treatment? Yes No
Police Transport? Yes No
Were pictures taken? Yes No
Describe injuries:

WITNESSES AND EVIDENCE

Person calling for assistance:
Victim Family Member Neighbor Other
Names

Property Damage at location? Yes No
Pictures? Yes No
Extent? Minor Extensive
Describe:

HISTORY

Previous calls to the Police? Yes No How many?
Previous arrest of offender for domestic violence? Yes No
If yes, When?
Previous conviction for domestic violence? Yes No
If yes, When?
Order of Protection in effect? Yes No

DISPOSITION OF INVESTIGATION

Offender arrested for violation of Order of Protection? Yes No
Offender arrested for violation of Chapter 38-
Other?
Victim advised of her rights under the Illinois Domestic Violence Act? Yes No
Victim given a victim's rights information sheet? Yes No

Attachment D

UNITED STATES OF AMERICA

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE

COUNTY OF

JUDICIAL CIRCUIT

MISDEMEANOR

THE PEOPLE OF THE STATE OF ILLINOIS
PLAINTIFF
— Vs. —

No. _____

File Stamp Here

LEADS #

COMPLAINT

_____ complainant, now appears before
(Complainant's Name Printed or Typed)

The Court and says that

_____ has, on or about
(defendant)

_____ at _____
(date) (place of offense)

committed the offense of violation of an Order of Protection in that he

ex. having knowledge that an Order of Protection was entered by the court, ordering him to refrain from striking, threatening, harassing or interfering with the personal liberty of the victim or other family or household member, did in fact knowingly violate said Order of Protection, to wit: (recite facts, such as, by striking the victim about the face with his fists...)

or having knowledge that an Order of Protection was entered by the court, granting possession of the residence to the victim, to the exclusion of the defendant, did in fact knowingly violate said Order of Protection, to wit: (recite facts, such as, by entering the premises and remaining thereon...)

in violation of Chapter 40 Section 2302-8(c)(1) or (c)(2).
ILLINOIS REVISED STATUTES

_____
(Complainant's Signature)

_____
(Complainant's Address) (Telephone No.)

_____
(Complainant's Name Printed or Typed)

STATE OF ILLINOIS)
COUNTY OF) ss.

being first duly sworn, on oath, deposes and says that s/he has read the foregoing complaint by her/him subscribed and that the same is true.

_____
(Complainant's Signature)

Subscribed and sworn to before me _____, 19 ____.

_____
(Judge or Clerk)

I have examined the above compleint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

Summons issued,
or
Warrant issued,

Judge _____

Bail set at _____

Judge _____

or

Bail set at _____

Judge _____

Attachment H

ICADV ILLINOIS COALITION AGAINST DOMESTIC VIOLENCE
1131 South Second Street - Springfield, Illinois 62704 - (217) 789-2830

Materials Available
on the
Illinois Domestic Violence Act

- Illinois Domestic Violence Act booklets with section by section summary ($.50)
- Professional Manuals:

  Law Enforcement ($2.00)
  State's Attorneys ($2.00)
  Practicing Attorneys ($2.50)
  Advocates and Service Providers ($2.00)

- Victim Rights Sheets (master copy)
- Videotape for Law Enforcement Role Call Training
- Slide/tape presentation for victims
- General information brochures and posters (free)
- A Family Affair, an excellent 30 minute film which effectively demonstrates the use of an Order of Protection to stop violence within a family, can be borrowed at no charge (except shipping costs) from the ICADV.

To request any of the materials please contact Kathleen Quinn at (217)789-2957 or at the address above.

To reserve the film please contact Suzanne Croteau at (217)789-2830 or at the address above.

DOMESTIC VIOLENCE ORDER OF PROTECTION

Case No. _____

☐ 6. The respondent shall not transfer, encumber, conceal, damage, or otherwise dispose of any property solely or jointly owned by the petitioner, or any other family or household member, except as follows: _____

☐ 7. The respondent shall pay temporary monthly maintenance of $ _____ and monthly child support of $ _____. Payments must reach _____ at _____ by no later than the _____ of each month.

☐ 8. The respondent shall pay petitioner $ _____ by no later than ____/____/____, as compensation for the following losses resulting directly from abuse by the respondent: _____

This amount does not include any other such losses, nor preclude future recovery thereof.

☐ 9. The respondent shall reimburse petitioner $ _____ for court costs and shall pay for any future costs in connection with any action to obtain, modify, enforce, appeal or re-open any Order of Protection. Respondent shall pay $ _____ for/toward petitioner's attorney fees. Payment shall be made to _____ no later than ____/____/____.

This order is enforceable by petitioner or the attorney.

☐ 10. The respondent is further enjoined as follows: _____

The following remedies, requested by the petitioner pursuant to the Illinois Domestic Violence Act, Subsection (c) of Section 2302-8, were denied for the stated reasons: _____

This order was issued on: _____ Date _____ Time.

This order will remain in full force and effect until: ☐ Date: _____; or
☐ The occurence of the following event: _____

Name _____
Attorney for _____
Address _____
City _____
Telephone _____

ENTER: _____
JUDGE

The petitioner, the petitioner's attorney or Clerk of the Court should complete the following information about the respondent so that this order can be entered into the Illinois Department of Law Enforcement's LEADS computer system by the sheriff

BIRTHDATE	SEX	RACE	HEIGHT	WEIGHT	HAIR	EYES	SOCIAL SECURITY NUMBER
DISTINGUISHING FEATURES AND ALIAS INFORMATION							DRIVER'S LICENSE

Attachment E

INSTRUCTIONS FOR USE OF LEADS COMPUTER

The LEADS computer is utilized to fulfill the Illinois Department of Law Enforcement's mandate to be the central repository for 'Orders of Protection'. They exist as computerized records, and can therefore be inquired upon, by any LEADS terminal in Illinois. (DLE does not keep 'paper' copies of the court documents).

Both telecommunicators and police officers must realize that at the present time, a 'normal' name check through LEADS will not return a 'hit' on an Order of Protection. Order of Protection records are kept in a separate computer file, and have their own special message key to access them.

Police officers should be aware that a computer check is available, and that they should ask their telecommunicator/dispatcher to run the special inquiry ("10-16 Check") when investigating domestic disturbances. While an officer may not want to request this information with every routine traffic stop, it is certainly at their discretion to do so at any time.

If terminal operators in your department have questions about making the inquiries, they may contact their DLE Field Advisor, or consult the computerized LEADS 'HELP' file (LHR.OP1.) for details.

The 'basics' for inquiries are as follows:

The message key 'LZC' followed by name, sex and date of birth of the respondent will return any active Orders of Protection, along with any existing wanted/missing person records in LEADS and NCIC. If the DOB of the respondent is not known, the message key 'LZCS' followed by name and sex will provide the same search, however, not using the DOB could result in multiple hits of similar-sounding names.

The message key 'LZCH' followed by name, sex and date of birth will return all Orders of Protection issued against a respondent, both the present active ones and any issued in the past which have since expired.

ATTACHMENT F

DOMESTIC VIOLENCE CURRICULUM

I. INSTRUCTIONAL GOALS

1. Develop an understanding of the nature and frequency of domestic violence, the problems encountered by battered women and the positive impact that law enforcement can have on this social problem.

2. Foster attitudinal changes that would result in the officer's awareness of the fact that when an incident of domestic violence has occurred, a crime has taken place, there is a victim and a perpetrator and arrest is an appropriate police response.

3. Identify police responsibilities under the Illinois Domestic Violence Act, including appropriate actions to be taken in responding to domestic disturbances and techniques for assisting victims.

II. PERFORMANCE OBJECTIVES

1. Recognize the pattern of violence that escalates in severity and frequency in domestic violence cases.

   (a) Develop an understanding of the relationship between the early stages of the violence (verbal abuse, slaps and shoves) and the more serious crimes of aggravation, battery and homicide.

2. Identify the characteristics of the abuser and the common reactions of the battered woman to her situation.

3. Identify procedures for obtaining an order of protection and identify the responsibilities of law enforcement officers where violations of such orders have occurred.

4. Recognize the appropriate use of arrest powers in responding to domestic violence cases.

5. Identify reporting procedures for domestic violence cases required by the Illinois Domestic Violence Act.

6. Identify appropriate actions and procedures to assist the victims of domestic violence.

7. Identify procedures for gathering evidence in domestic violence cases.

8. Identify common available social service agencies for referral of battered women.

STATE OF ILLINOIS COUNTY OF

IN THE CIRCUIT COURT OF

— Vs. —

No. _____

☐ Independent Petition
☐ Criminal Proceeding
☐ IMDMA Proceeding

File Stamp Here

LEADS #

Respondent's Date of Birth:

ORDER

The Court Finds that

☐ An Ex Parte Domestic Violence Order of Protection was issued on _____

☐ A Domestic Violence Order of Protection was issued on _____

THE COURT HAVING JURISDICTION OF THE SUBJECT MATTER, IT IS HEREBY ORDAINED THAT:

☐ 1. An extension of the ex parte Order of Protection is granted and is hereby extended to _____ 19____ at _____ m.

☐ 2. A hearing on the ex parte Order of Protection is set for _____ m., on _____ 19____ in Courtroom No. _____.

☐ 3. The ex parte Order of Protection is vacated.

☐ 4 The Order of Protection previously issued is extended to _____ 19____.

☐ 5. A hearing on the Order of Protection is set for _____ m., on _____ 19____, in Courtroom No. _____.

☐ 6. The Order of Protection is vacated.

☐ 7. ☐ The ex parte Order of Protection is modified as follows:
☐ The Order of Protection is modified as follows:

_____
_____
_____
_____

Name _____

Attorney for _____

Address _____

City _____

Telephone Number _____

Enter: _____
JUDGE

Date: _____

ILLINOIS COALITION AGAINST DOMESTIC VIOLENCE

1131 South Second Street - Springfield, Illinois 62704 - (217) 789-2830

ALTON
Oasis Women's Center
618/485-1978

AURORA
Mutual Ground
312/898-4490

BELLEVILLE
Call for Help —
The B.R.I.D.G.E.
618/235-0892

BLOOMINGTON
YWCA of McLean County
800/322-5015
309/827-4005

CAIRO
Community Health Services, Inc.
618/734-HELP

CANTON
Fulton County Women's
Crisis Service
309/647-2466

CARBONDALE
Women's Center
618/529-2324

CENTRALIA
Women In Need, Inc.
618/533-SAFE

CHARLESTON
Coles County Coalition
Against Domestic Violence
217/345-4300

CHICAGO
Chicago Abused Women
Coalition
312/769-4606

Family Rescue, Inc.
312/375-8400

Mujeres Latinas en Accion
312/226-1544

Southwest Women Working
Together
312/436-7678
312/436-7552

Travelers' Aid Society
312/435-4500

Uptown Center Hull House
Family Violence Task Force
312/561-3500

DANVILLE
Women's Alternative Shelter
217/443-5566

DECATUR
DOVE
217/423-2238

DEKALB
Safe Passage, Inc.
815/756-5228 (office)

DES PLAINES
Life Span
312/824-4454

ELGIN
Community Crisis Center
312/897-2380

EVANSTON
YWCA
312/864-8445 (office)

GLEN ELLYN
Family Shelter Service
312/469-5650

OAK PARK
Sarah's Inn

OLNEY
Stopping Woman Abuse Now
618/393-4941

PARK FOREST
South Suburban Family Shelter

PEORIA
Tri-County WomenStrength
309/674-4443

ROCKFORD
PHASE/WAVE
815/962-6102

ROSICLARE
Anna Bixby Women's Center
618/285-6629

SPRINGFIELD
Sojourn Women's Center
217/544-2484

STREATOR
Against Domestic Violence
800/892-3375

SUMMIT
Des Plaines Valley
Community Center
312/485-5254

URBANA
A Woman's Place
217/384-4390

WAUKEGAN
A Safe Place Crisis Center
312/249-4450

WORTH
Crisis Center for South Suburbia
312/974-1791

Unless otherwise indicated all numbers shown are 24 hour hotlines.

Attachment G

ICADV ILLINOIS COALITION AGAINST DOMESTIC VIOLENCE
1131 South Second Street - Springfield, Illinois 62704 - (217) 789-2830

Illinois Domestic Violence Act
Law Enforcement Advisory Committee Members

J. "Skip" Bennett
Mobile Team Training Coord.
Belleville

Sheriff Joe Brown
Urbana

Superintendent Richard Brzeczek
Chicago

Chief John Bullaro
West Chicago

Chief Ray Garrett
Genoa

Chief Donald Greer
Wood River

Chief Charles Gruber
Quincy

Tom Jurkanin
IL Local Governmental Law
Enforcement Officers Trng. Bd.

Chief William Krueger
Salem

Sheriff Charles Lister
Charleston

Chief William Nolan
Homewood

Chief Wilbur Reichert
Carol Stream

Sheriff Don Scofield
Freeport

Chief Fred Stoeker
Wilmette

Chief Cadet Thorp
Sterling

Sergeant Bobbie Walton
Springfield

DOMESTIC VIOLENCE IS A CRIME

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* * * *

PRODUCED AND COMPILED BY:

ESTA SOLER and SUE MARTIN

FAMILY VIOLENCE PROJECT
50 Ivy Street, Second Floor
San Francisco, California 94102
(415) 552-6554

SECTION A

THE SAN FRANCISCO FAMILY VIOLENCE PROJECT

The SAN FRANCISCO FAMILY VIOLENCE PROJECT was started in March of 1980 to improve criminal justice response to domestic violence, to provide services to victims and their families and to educate San Francisco about the potential lethality of this violence.

THE FAMILY VIOLENCE PROJECT HAS:

- ESTABLISHED specialized services within the criminal justice system for battered women and their families
- IMPLEMENTED new domestic violence procedures for operations within the Probation Department, Police Department, and the District Attorney's Office of San Francisco
- DEVELOPED a counseling and education program for batterers
- ESTABLISHED services for battered women at San Francisco General Hospital
- ESTABLISHED on-going domestic violence training programs for all police recruits, training officers and advanced officers of the San Francisco Police Department
- ASSISTED the Police Department in increasing their domestic violence arrest rate by 60%

FAMILY VIOLENCE PROJECT FINDINGS:

- The largest category of homicides in San Francisco during 1981 were family/relationship motivated murders.
- Of all assault and weapon related calls to the San Francisco Police Department, 41% are domestic related (February 6 - 13, 1982).
- Based on a sample of the over 2,500 victims and offenders served, we found that:

  Victims:

  - 63% required medical treatment for injuries incurred during the last assault
  - 10% had been beaten so severely during pregnancy that they miscarried their child

FAMILY VIOLENCE PROJECT • San Francisco District Attorney's Office

50 Ivy Street, Second Floor,
San Francisco, California 94102
(415) 552-6554

Hall of Justice, 850 Bryant Street,
Third Floor,
San Francisco, California 94103
(415) 552-1926

Victims, continued:

- For 40%, it was their first call to the police

Offenders:

- 63% had either seen their mothers abused or had themselves been abused as children
- 60% had assaulted their partner of a previous relationship
- 100% had a history of assaultive behavior

RESOURCE MATERIALS AVAILABLE:

- Model Police Policies
- Domestic Violence Diversion and Probation Guidelines
- Domestic Violence Felony Prosecution Protocol
- Model Police Data Collection Mechanism
- Police Training Materials
- Public Education Materials on Domestic Violence as Crime

RESOURCE MATERIALS BEING DEVELOPED:

- Model Domestic Violence Police Training Curriculums and Training Materials
- Domestic Violence Misdemeanor Prosecution Protocol
- Prosecution Counseling Manual for Assisting Battered Women
- Improving Criminal Justice Response to Domestic Violence ("How To" Manual, 1983)

For further information on the San Francisco Family Violence Project, our resource materials and our technical assistance capability, call: Sue Martin, Planning and Training Coordinator, at (415) 552-6554, or write to: The San Francisco Family Violence Project, 50 Ivy Street, Second Floor, San Francisco, California 94102.

The San Francisco Family Violence Project is funded by the City and County of San Francisco, the Levi Strauss Foundation, the San Francisco Foundation, and the Henry J. Kaiser Family Foundation of Menlo Park, California.

50 Ivy Street, Second Floor,
San Francisco, California 94102
(415) 552-6554

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Third Floor,
San Francisco, California 94102
(415) 552-1926

MAJOR ACCOMPLISHMENTS

1980

SERVICES TO VIOLENT FAMILIES

- ESTABLISHED a model victim services unit within the District Attorney's office which has assisted, advocated and/or testified for over 600 victims of family violence. The unit provides case assessment, investigation, supportive counseling, court accompaniment, and intensive case follow-up for victims of violence and their families.
- ESTABLISHED a model Offender Counseling and Evaluation Program for San Francisco, including the training of community therapists in offender treatment, the intensive treatment to 100 offenders, and the collaborative development with the Probation Department of the Domestic Violence Diversion Program.
- TRAINED, identified and organized an Asian Community domestic violence effort, including the establishment of "safe beds" at Gum Moon.
- DEVELOPED and distributed a San Francisco Resource Directory on family violence to over 5,000 agencies and individuals.

IMPROVED CRIMINAL JUSTICE RESPONSE

- ASSISTED in the development and implementation of the new police General Order which defines family violence as criminal activity and which mandates new procedures in police response to family violence within the City and County of San Francisco.
- DEVELOPED a comprehensive model police training curriculum on family violence and the actual training of police recruits.

COMMUNITY EDUCATION AND AGENCY TRAINING

- DESIGNED, coordinated, and sponsored three major training conferences on family violence and child sexual assault that were attended by over 1,000 representatives from the criminal justice, public health, military, legislative, community, social service, religious, legal and shelter-based agencies of San Francisco.
- PROVIDED intensive in-service training to an additional 500 direct service providers.

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50 Ivy Street, Second Floor,
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(415) 552-1926

MAJOR ACCOMPLISHMENTS

1981

IMPROVED CRIMINAL JUSTICE RESPONSE

- IMPROVED the arrest rate for domestic violence cases in San Francisco. Between March of 1980 and October of 1981, there has been a 60% ARREST RATE INCREASE for family violence cases.
- DEVELOPED a tracking system for domestic violence cases for the San Francisco Police Department and co-authored a Special Bulletin on Domestic Violence with the San Francisco Police Department.
- DEVELOPED the first written Protective Stay Away Orders for use in the criminal courts.
- DEVELOPED and implemented a model police training curriculum on family violence for the San Francisco Police Department and provided on-site training to recruits, field training officers, and advanced officers.
- ASSISTED in the development of a specialized domestic violence prosecution unit for felony family violence cases.

SERVICES TO VIOLENT FAMILIES

- ASSISTED, advocated, and/or testified for over 1,500 victims and their families; in less than a year, we have more than doubled our caseload. The victim services unit of the Family Violence Project provides intensive advocacy, case follow-up, supportive counseling, and case investigation for hundreds of domestic violence cases monthly.
- DEVELOPED a cooperative plan with San Francisco General Hospital Emergency Room personnel for a domestic violence unit and domestic violence protocol.

COMMUNITY EDUCATION AND AGENCY TRAINING

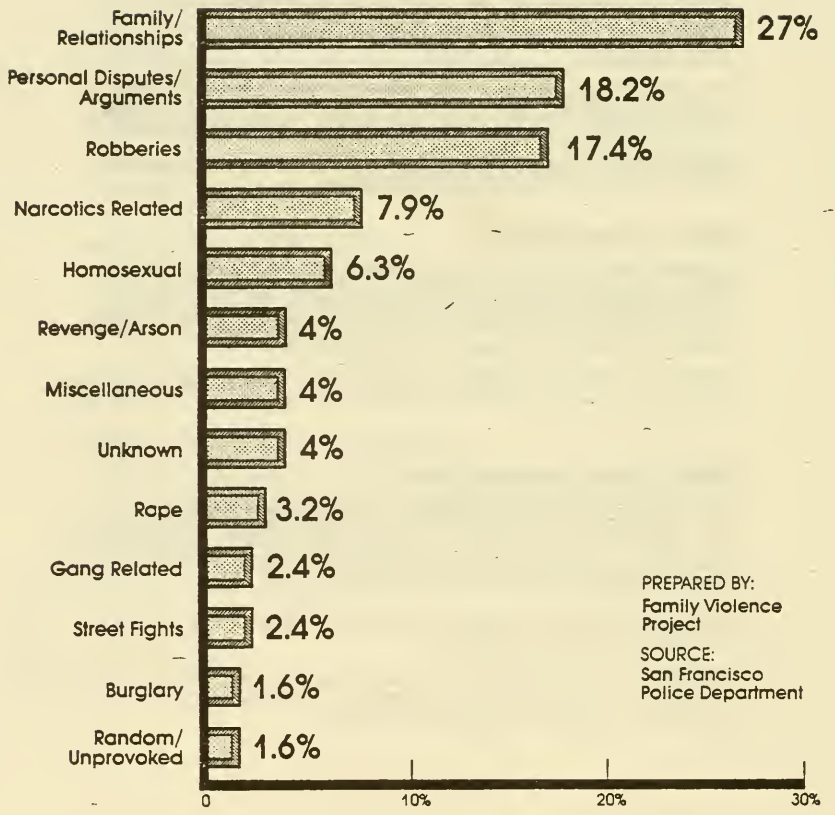
- DESIGNED, coordinated, and sponsored 2 major training conferences on elder abuse and family violence in the Asian and Pacific Island communities that were attended by over 1,000 representatives from the criminal justice, public health, military, legislative, community, social service, religious, legal and shelter-based agencies of San Francisco.
- TRAINED an additional 1,000 San Francisco service providers in family violence intervention techniques.
- DEVELOPED, in conjunction with the Select Committee on Crime and Violence -- San Francisco Board of Supervisors, a resolution on family violence -- a first for municipal governments.

SECTION B

HOMICIDE STUDY

HOMICIDES IN SAN FRANCISCO: 1981

MOTIVE



SECTION C

FAMILY VIOLENCE PROJECT FACT SHEET

FAMILY VIOLENCE
The Facts

FAMILY VIOLENCE PROJECT FINDINGS:

The Family Violence Project has assisted over 2,500 victims and offenders of family violence since October 1980. Based on a sample of victims and offenders served, we found that:

VICTIMS:

- 63% required medical treatment for the injuries incurred during the last assault
- 10% had been beaten so severely during pregnancy that they miscarried the child
- 66% of the victims had children
- the abuse affected the old as well as the young - the oldest victim was 80
- for 40%, it was their first call to the police
- 50% of their assailants had a record of previous arrests

OFFENDERS:

- 63% had either seen their mothers abused or had themselves been abused as children
- 100% of all the offenders seen in treatment by the Family Violence Project have a history of assaultive behavior
- 60% had assaulted their partner of a previous relationship
- in most cases, violence occurred irrespective of the use of alcohol or other drugs
- the oldest offender was 70 years of age; the youngest was 18
- 75% were employed; over 50% had incomes above $10,000 a year and 11% had incomes above $20,000

FAMILY VIOLENCE PROJECT
50 Ivy Street, Second Floor, San Francisco, California 94102
(415) 552-6554

LOCAL AND NATIONAL FINDINGS:

FAMILY VIOLENCE AS CRIME:

- one-third (1/3) of all female homicide victims in California were murdered by their husbands (FBI, 1971)
- one-fourth (1/4) of all murders in San Francisco involve legally married or co-habiting mates (SFPD, Homicide Bureau, 1974)
- over 50% of all assaults and 40% of all assaults with a deadly weapon in the Bay Area on February 14, 1981 were the direct result of family violence (S.F. Examiner)
- a Kansas City study found that in 85% of all family homicides, police had been called at least once previously and in 50% of the homicides, the police had been called to the home five or more times prior to the murder (1978)

SEVERITY OF ASSAULTS:

- the Emergency Room at S.F. General Hospital reports that they treat 150-200 acutely battered women each month
- 20% of all hospital emergency room visits by women (and 70% of all sexual assault cases) are attributed to wifebeating (McGrath, 1979)

IMPACT ON THE CHILDREN:

- 25% of all victims of domestic violence are beaten when they are pregnant (Dr. Richard Gelles, 1975)
- in one-half of spouse abusing families, the children are battered as well (Women's Educational Action League, 1979)
- sixty-three percent of boys, ages 11-20, who commit homicide murdered the man who was beating their mothers (Senate Hearings)

ABUSE OF THE ELDERLY:

- five hundred thousand to one million elderly are abused in this country every year
- the most severe cases of violence seen by the Family Violence Project have been assaults on the elderly

FAMILY VIOLENCE PROJECT
50 Ivy Street, Second Floor, San Francisco, California 94102
(415) 552-6554

SECTION D

POLICE PROCEDURES

SAN FRANCISCO POLICE DEPARTMENT

DEPARTMENT GENERAL ORDER
CONTROL CODE (80-6)

ORDER NO. I-6
10/10/80

Index as: Domestic Violence
Temporary Restraining Orders
Restraining Orders

DOMESTIC VIOLENCE

The purpose of this order is to set forth new policies and procedures for domestic violence cases and temporary restraining orders therefor.

I. General Provisions

A. Domestic violence is defined as any harmful physical contact or the threat thereof between persons who are spouses or cohabitants or who have previously been spouses or cohabitants.

B. Members shall treat all alleged domestic violence as alleged criminal conduct. Members shall treat requests for police assistance and criminal investigation from victims of domestic violence the same as all other requests for assistance in cases where there has been physical violence or the threat thereof.

C. Dispute mediation shall not be used as a substitute for appropriate criminal proceedings in domestic violence cases where physical violence has occurred.

D. The existence of the elements of a crime and/or the willingness of the victim to sign a Citizen's Arrest Card shall be the sole factors that determine the proper method of handling the incident. The following factors, for example, are not to influence the officer's course of action in domestic violence incidents:

1. The marital status of the suspect and the complainant;

2. Whether or not the suspect lives on the premises with the complainant;

3. The existence or lack of a temporary restraining order;

4. The potential financial consequences of arrest;

5. The complainant's history of prior complaints;

6. Verbal assurances that violence will cease;

7. The complainant's emotional state;

8. Injuries are not visible;

9. The location of the incident (i.e., public or private);

10. Speculation that the complainant may not follow through with the criminal justice process or that the arrest may not lead to a conviction.

E. In accordance with State law and standing Department procedure (e.g., General Order 27 of 1976, Warrantless Arrest), an arrest shall be made in a domestic violence incident when there is reasonable cause to believe that a felony has occurred.

F. Where an officer has reasonable cause to believe that a misdemeanor has occurred in his presence in a domestic violence case, the suspect shall be cited or arrested according to the provisions of General Order I-3, Misdemeanor Citation Release Policy and Procedure.

1. In evaluating the likelihood of a "continuing offense" (one of the statutory conditions under which an arrest rather than a citation is required), officers shall consider the following factors:

a. Whether the suspect has a prior history of arrests or citations involving domestic violence;

b. Whether the suspect has previously violated valid temporary restraining orders;

c. Whether the suspect has a prior history of other assaultive behavior (e.g., arrests/ convictions for battery or aggravated assault);

d. Statements taken from the complainant that the suspect has a history of physical abuse;

e. Statements taken from the victim expressing fear of retaliation or further violence should the suspect be released.

G. When the elements of a lawful arrest are present, officers shall inform complainants of their right to make a citizens arrest. Whenever possible such discussion shall be held out of the presence of the suspect.

H. Officers shall not dissuade complainants from making citizens arrests.

I. When a complainant requests an officer to remove a person from the premises and it can be shown that the complainant is in lawful possession of the premises (for example, by showing a rental agreement, cancelled rent check, lease, grant deed, rent receipts or other documents, or verification from apartment manager), and the person desired to be removed is not in lawful possession of the premises, the responding officer shall:

1. Request the person to leave the premises and stand-by until the person removes his belongings.

2. Should the person refuse to leave upon request, the suspect shall be be arrested, and thereupon cited and released, unless one of the exceptions to the Department's citation release policy exists.

J. When a complainant in a domestic violence incident requests police assistance in removing a reasonable amount of personal property (e.g., a suitcase) to another location, members shall stand-by a reasonable amount of time until the complainant has safely done so.

K. If a complainant claims injuries, whether visible or not, which require medical attention, officers shall administer first-aid as appropriate and offer to arrange for proper medical treatment.

II. Temporary Restraining Orders

A. In domestic dispute incidents where a person advises a member of the existence of a temporary restraining order pertaining to the dispute, the member shall attempt to ascertain if such an order is on file with the Department.

1. Temporary restraining orders are filed in the Records Divison (Identification Section), and entered into the CABLE system. The radio query to inquire about such orders is "10-29 Person" giving the suspect's name, address and date of birth, and the location of the disturbance by street address.

2. The response available to a "10-29 Person" query is whether or not such an order is on file for a particular individual at a particular location. The exact terms of an existing order may be obtained by calling the Identification Section, 553-1415.

B. Members shall affect an arrest when there is reasonable cause to believe that the subject of the temporary restraining order has violated the order in the presence of the member, and one of the following conditions has been met:

1. The existence of the order and proof of service on the suspect has been verified by the member; or

2. The complainant produces a copy of the order and the proof of service on the suspect, each bearing the file stamp of the court.

3. Violators shall be cited or booked on Penal Code Section 273.6 in addition to any other violations charged, such as aggravated assault, battery or trespass.

C. When a member verifies that a restraining order exists, but cannot verify proof of service on the subject, the member shall:

1. Inform the suspect of the terms of the order;

2. Admonish the suspect of the order that he is now on notice and that continued violation of the order will result in his arrest; and

3. Inform the complainant of the necessity of recording proof of service with the Department.

D. When no temporary restraining order exists, or the existence of a temporary restraining order cannot be verified by the Department and the complainant cannot produce a copy and proof of service bearing file stamps of the court, or when the basis for a custodial arrest does not exist, the complainant shall be advised of his right to make a citizen's arrest.

DEPARTMENT GENERAL ORDER
CONTROL CODE (80-6)

ORDER NO. I-6
10/10/80

III. Procedures

A. All incident reports made involving domestic disputes shall be marked with both the primary offense followed by a slash mark and the words "Domestic Violence" (e.g., Aggravated Assault/Domestic Violence).

B. The Report Review Officer shall code all incident reports involving domestic disputes with the incident classifications for both the primary offense and domestic violence.

C. Commanding officers and officers-in-charge shall ensure that members of their command comply with the provisions as set forth in this order.

This order cancels and supercedes General Order 22 of 1977 and Rule 12.07 of the Rules and Procedures.

By order of:

Cornelius P. Murphy
Chief of Police

SAN FRANCISCO POLICE DEPARTMENT

DEPARTMENT SPECIAL ORDER 81-28 08/12/81

Subject: DOMESTIC VIOLENCE: INCIDENT REPORT DATA

Termination Date: 08/12/82

I. PROCEDURE

Effective August 1, 1981 the Incident Report Form, SFPD 377, will have a "Domestic Violence" box in the first line of the form. The Domestic Violence box is to be circled YES or NO on all incident reports. Platoon Commanders are responsible for seeing that members fulfill this requirement.

II. DEFINITIONS

A. Department General Order No. I-6, Domestic Violence, defines domestic violence as:

> "Harmful physical contact or the threat thereof between persons who are spouses or cohabitants or who have previously been spouses or cohabitants."

B. Domestic violence includes any harmful physical contact or the threat thereof, that occurs between current or former:

1. Spouses
2. Cohabitants
3. Boyfriends or girlfriends
4. Adult family members (e.g., elderly abuse)
5. Separated and divorced couples
6. People of the same sex who have an intimate and/or sexual relationship
7. Any two individuals who have or previously have had a sexual relationship.

III. REPORTING

A. The Domestic Violence box on the Incident Report Form shall be circled YES whenever the genesis of the crime, such as an assault, trespassing, destruction of property or violation of a temporary restraining order, is related to a domestic problem.

B. The Domestic Violence box shall be circled NO for all other incidents.

C. Domestic Violence data will be utilized by the Department to:

1. Determine how much department time and resources are spent responding to incidents of domestic violence.

2. Review and improve, if possible, procedures for handling incidents of domestic violence.

3. Assist the District Attorney's Office, Probation Department and the courts in the prosecution and handling of domestic violence cases.

By order of:

James A. Ryan

JAMES A. RYAN
Acting Chief of Police

INCIDENT REPORT FORM — **SAN FRANCISCO POLICE DEPARTMENT**

HEADING

INCIDENT NO. ☐ INITIAL ☐ SUPPLEMENTARY | ☐ BOOKED ☐ CITED | DOMESTIC VIOLENCE YES NO | STATEMENT TAKEN? YES NO | ASSIGNED (RECORD ROOM USE ONLY)

TYPE OF INCIDENT | M.O. CODE | UNIT RPTG | DATE(S) & TIME(S) OF OCCURRENCE

DATE & TIME REPORTED TO POLICE | DATE & TIME REPORTED TO BUREAU / DIV CTR | NAME & STAR RPTD TO

LOCATION OF OCCURRENCE | LOCATION ASGT TO | TYPE OF PREMISE

REPORTING OFFICER | STAR | REPORT APPROVED BY | STAR | HOW CLEARED (RECORD ROOM USE ONLY)

VICTIM CODES: V - VICTIM; P - REPORTEE; W - WITNESS; P - PARENT; N - NOTIFY; F - FOUND; M - MISSING

VICTIM/COMPLAINANT

CODE | NAME (LAST, FIRST, MIDDLE) | RACE W N I C J OTHER UNK | SEX | DOB OR AGE | RES. PHONE | BUS. PHONE

RESIDENCE ADDRESS | BUSINESS ADDRESS | VICTIM OF CRIME NOTIFICATION YES NO STAR

OTHER INFORMATION / MISSING PERSON INFORMATION

CODE | NAME (LAST, FIRST, MIDDLE) | RACE W N I C J OTHER UNK | SEX | DOB OR AGE | RES. PHONE | BUS. PHONE

RESIDENCE ADDRESS | BUSINESS ADDRESS | VICTIM OF CRIME NOTIFICATION YES NO STAR

OTHER INFORMATION / MISSING PERSON INFORMATION

SUSPECT CODES: A - ADJUDGED; B - BOOKED; C - CITED; D - DETAINED; E - EXONERATED; S - SUSPECT; X - DIVERTED

SUSPECT #1

CODE | NAME (LAST, FIRST, MIDDLE) | RACE W N I C J OTHER UNK | SEX | DOB OR AGE | ALIAS

HEIGHT | WEIGHT | HAIR COLOR BLK BLN BRO GRY SANDY RED BALD WHI UNK | EYE COLOR BLK BLU BRO GRY GRN HAZ MIXED UNK | ADDRESS

WARRANT # / CITATION # | BOOK/CITE SECTION

WHERE BOOKED | BOOK/CITE APPROVED BY | STAR | I.D. # (SOC. SEC.; DP, LIC.; ARMY SER. #; ETC.)

WHEN & WHERE CITED TO APPEAR / OTHER INFORMATION / ADDITIONAL DESCRIPTION OF SUSPECT

VEHICLE CODES: F - USED FELONY; U - USED OTHER; S - STOLEN; R - RECOVERED; B - BOOSTED, D - STRIPPED; T - TOWED; P - STOLEN PLATES; L - LOST

VEHICLE

CODE | LICENSE PLATE NO. | STATE | YEAR | TYPE | VIN | YEAR | MAKE | MODEL | STYLE | COLOR

CONDITION WHEN RECOVERED: 1 APPARENTLY DRIVEABLE 2 ENGINE & TRANSMISSION MISSING 3 ENGINE MISSING 4 TRANSMISSION MISSING 5 BURNED 6 WRECKED 7 OTHER STRIPPED | PLATES MISSING 1 2 NONE | TOW CHECK (NAME) | WAIVER SIGNED YES NO

OTHER INFORMATION

PROPERTY CONDITION CODES: S - STOLEN; R - RECOVERED; L - LOST; E - EVIDENCE, F - FOUND; P - PROPERTY FOR SAFEKEEPING, D - DAMAGE

PROPERTY

CODE | PROPERTY DESCRIPTION | VALUE

CODE | PROPERTY DESCRIPTION | VALUE

CODE | PROPERTY DESCRIPTION | VALUE

CODE | PROPERTY DESCRIPTION | VALUE

NOW INCLUDE ADDITIONAL HEADING, VICTIMS, SUSPECTS, VEHICLES AND / OR PROPERTY BEFORE BEGINNING NARRATIVE.

ICSS ENTRY BY:

INCIDENT REPORT FORM CONTINUATION — SAN FRANCISCO POLICE DEPARTMENT

INCIDENT NO	REPORTING OFFICER	STAR	DATE(S) & TIME(S) OF OCCURRENCE

PAGE _____ OF _____ | ICSS ENTRY BY:

PROPOSED RESOLUTION / Adopted 7/2/81

WHEREAS, Family and relationship motivated homicides are the highest category of murders in San Francisco; and

WHEREAS, in 1981 a Bay Area Study, 39% of all assaults, murders and attempted murders were family violence related (San Francisco Examiner, "72 Hours of Crime," March 2, 1981); and

WHEREAS, if can be demonstrated that children growing up in a violent environment tend to be violent themselves as adults; and

WHEREAS, steps taken to interrupt the cycle of violence within families would reduce future violence and/or criminal behavior; and

WHEREAS, the arrest rate for domestic violence cases in our City has increased 60% over the past year; and

WHEREAS, diversion and probation represent two frequently employed responses by the criminal justice system to this problem and a strong response is often essential in reducing the likelihood of recurring and escalating family violence; and

WHEREAS, the San Francisco Board of Supervisors has adopted a resolution calling for a coordinated and system-wide effort to prevent and reduce intra-family violence (Resolution #1021-81); now therefore be it

RESOLVED that the Justice Planning Committee of the Mayor's Criminal Justice Council hereby recommends the adoption of the Proposed Domestic Violence Diversion and Probation Guidelines by the Municipal Court, the District Attorney, the Public Defender, and the Adult Probation Department.

SECTION E

DOMESTIC VIOLENCE DIVERSION
AND PROBATION GUIDELINES

PROPOSED DOMESTIC VIOLENCE DIVERSION AND PROBATION GUIDELINES
As adopted by the Domestic Violence Committee

I. Introduction

Given the volatile nature of domestic violence, the close proximity of the victim to the defendant, and the likelihood that recurring violence will result in serious injury or death, only those domestic violence defendants described below should be eligible for diversion. In other domestic violence misdemeanor cases, it is deemed more appropriate to proceed formally with prosecution. Thereby, counseling as a probation condition will be available as an option for appropriate convicted defendants.

II. Definition

Domestic violence includes any harmful physical contact, or threat thereof, that occurs between current or former:

A. Spouses
B. Cohabitants
C. Boyfriends or girlfriends
D. Adult family members (e.g. elderly abuse)

These categories apply whether the parties are of the opposite sex or the same sex.

III. Eligibility

A. The crime charged is a misdemeanor involving domestic violence, but not involving a child. (State law)

B. The defendant has no prior conviction involving crimes of violence within the past seven years (state law).

C. The defendant has never had a probation or parole revoked (State law).

D. The defendant has not been diverted for domestic violence within the last five years (State law).

E. The crime charged was not a corporal injury resulting in a traumatic condition (273.5 P.C.); an assault with a deadly weapon or with force likely to produce great bodily injury (245 P.C.); or a battery resulting in serious bodily injury (243 (b) (State law).

F. The victim did not sustain severe injuries including, but not limited to, broken bones, bone fractures, concussion, loss of consciousness, protracted loss or impairment of function of any bodily member or organ, any wound requiring extensive suturing, serious disfigurement, serious impairment of physical condition, premature labor or miscarriage, massive bruising, burns, or other abnormal bodily condition resulting from a traumatic injury which injuries have been verified

and/or treated by medical personnel; and

G. The attack did not involve the use of a deadly weapon or force likely to produce great bodily injury though the victim's injuries may not be as severe as described above.

IV. Suitability

A. There has not existed a history of repeated severe domestic violence (as described in III. F) by the defendant against the victim in the previous 12 months as evidenced by two or more incident reports or medical records.

B. The victim has no reasonable objection to diversion.

D. The defendant exhibits sufficient motivation to comply with the diversion requirements, e.g., counseling, no re-offenses, keeping appointments, etc. If the probation officer concludes that the defendant fails to meet this standard, the basis for that conclusion should be stated in the report to the court.

D. The defendant agrees to the conditions of diversion,

V. Standard Diversion Conditions

A. For divertees who are chronic users or serious abusers of drugs or alcohol, standard conditions should include concurrent counseling for substance abuse and violent behavior, on a weekly basis, for one year and, in appropriate cases, dextofication and abstinence from the abused substance.

B. For other divertees, standard conditionsshould include weekly counseling for violent behavior for one year.

VI. Successful Completion

Successful completion of diversion should include completion of all designated conditions of diversion. Such success should be based on an evaluation of the therapist and on information from the victim, the divertee, and the probation officer.

VII. Motion to Reinstitute Criminal Proceedings

Evidence of any of the following should result in a motion to reinstitute the underlined criminal charge:

A. Any violenceby the divertee against the former or a new victim while on diversion,

B. Non-compliance with any other specific conditions of diversion,

C. Termination from counseling because of non-acknowledgment of violent,

behavior, non-participation, or repeatedly missing counseling sessions.

VIII. Probation in Domestic Violence Cases

For defendants convicted of a domestic violence offense and not sentenced to state prison, it is critical that a credible threat of incarceration or imprisonment exist to motivate compliance with probation conditions. "Following presentation to the court of a probation report on these defendants' appropriateness for, and suggested conditions of, probation, they should receive formal probation to the Adult Probation Department".

Weekly participation in counseling for violent behavior and, where appropriate, detoxification, treatment, and/or counseling for substance abuse. Other specific conditions, such as staying away from the victim, and paying restitution, fees, fines, etc., should be considered on a case by case basis.

Defendants convicted of a domestic violence felony should be on probation for a minimum of three years; misdemeanor defendants for at least 18 months. This period is necessary for the protection of the victim and other possible victims, even if all probation conditions have been successfully completed in less time. Furthermore, misdemeanor probation must be at least 18 months long so as not to discourage eligible defendants from opting for domestic violence diversion, which we recommend be at least one year long.

IX. Special Domestic Violence Caseload in Adult Probation Department

Because of the extraordinary dynamics of domestic violence, the specialized nature of rehabilitation services for the defendants, and the need for a credible threat of revocation should probation conditions be violated, a particular probation officer or officers be assigned to handle a special caseload of domestic violence probationers, as well as domestic violence divertees.

X. Information for Victims

Where diversion or probation is granted in a domestic violence case, the victim should be so notified in writing by the probation officer supervising the defendant. At that time, the probation officer should include all publicly available information on the defendant's probation or diversion conditions, a listing of resources to which the victim can turn for assistance, and what to call in case of recurring domestic violence. Ongoing contact by the probation officer should be by telephone or in person.

XI. Guidelines Advisory

These guidelines are advisory in nature. They do not recommend any restriction on judicial or prosecutorial discretion. They are proposed standards for the handling of most domestic violence cases. As such, it is hoped that these guidelines will be adopted and adhered to by the affected departments and the court.

SECTION F

FELONY PROTOCOL

7/28/82

DOMESTIC VIOLENCE PROTOCOL Draft

Felony Prosecution
San Francisco District Attorney's Office

I. Definition

Domestic violcence includes any harmful physical contact or the threat thereof, that occurs between current or former:

1. Spouses
2. Cohabitants
3. Boyfriends or girlfriends
4. Adult family members (e.g., elderly abuse)
5. Separated and divorced couples
6. People of the same sex who have an intimate and/or sexual relationship
7. Any two individuals who have or previously have had a sexual relationship.

The close relationships involved in these cases present special difficulties that are unique. Special care will be taken to ensure that these cases are treated as crimes against the state and prosecuted to the fullest extent in order to avoid continuation and escalation of the violence.

DRAFT

II. Felony Prosecution:

A. Vertical Prosecution: A Domestic Violence Deputy D.A. (D.V.D.A.) has been appointed to conduct vertical prosecution of all felony domestic violence cases. This D.V.D.A. will:

- implement the regulations outlined herein
- rebook or issue warrants on all felonies
- handle felony prosecution from arraignment through sentencing
- approve any decisions on felony prosecutions where he/she is unavailable for courtroom appearances.

B. Rebooking/Warrant

1. Criteria: In determining whether to rebook or issue a warrant, the D.V.D.A. will consider the facts of the

case in light of the following:

- extent or seriousness of injuries
- use of a deadly weapon
- defendant's prior criminal history
- past history of violence
- potential lethality of situation

Where factual basis exists, the case will be filed.

2. Contact with Victim: The case should be filed regardless of whether the victim has been contacted.

3. Declensions: The D.V.D.A. will not decline to prosecute where the Inspector has not contacted the victim.

Where the Inspector has not gained the cooperation of the victim, the Family Violence Project staff should be given the option to contact the victim to obtain additional information and to encourage cooperation.

When a declension is made the D.A. will provide written reasons on the police report and the matter will be referred to the Family Violence Project for follow-up.

4. Complaints: Victims are not to be asked to sign complaints.

5. Referral to Family Violence Project: All cases brought for rebooking or warrant, whether rebooked or declined, will be referred to Family Violence Project for follow-up.

a. The D.V.D.A. shall direct the Inspector to place a copy of every police file brought for rebooking or warrant in the designated Family Violence Project Box located in the rebooking office.

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b. The file will include:

- police report
- Inspector's worksheet
- defendant's rap sheet
- witness's statements

c. The rebooking D.A. shall include on the file:

- his or her name
- charges filed
- investigating officer
- if declined, full reasons for declension.

6. Protecting the Case: Domestic violence is a criminal offense against the state but the close relationships of the victim and defendant present victim/witness problems. Careful preparation must be made to prevent potential problems such as lack of corroborating evidence, potential reluctance of victim/witness, victim/witness's fear of retaliation and victim/witness's change of testimony. Early and consistent contact with the victim and referral to approrpriate support service agencies is crucial to protect the case.

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In order to decrease the possibility of these problems the following steps will be taken:

1. Role of Victim:

The deputy will clarify for the victim the fact that the D.A., not the victim, is responsible for pressing charges and prosecuting the case. He or she will stress that the victim is an important witness to the crime.

2. Early and Consistent Contact with Victim:

a. The D.V.D.A. will attempt to make contact with the victim within 72 hours of rebooking.

b. Family Violence Project will provide support services and maintain contact with victim throughout proceedings to keep her informed of all progress and proceedings.

3. Evidence Collection: At rebooking the D.A. will review the case file and complete the following, if not completed by the Inspector:

a. Take taped statements from all witnesses.

b. Take photos of any and all injuries of victim.

c. Review reports with victim for accuracy.

d. Complete the evidence collections checklist.

4. Subpoenas:

a. Victims and all other witnesses will be subpoenaed at the earliest possible time.

b. The victim will be personally served with the subpoena to avoid the possibility of the defendant intercepting it in the mail.

5. Continuances: The D.A. will object to unnecessary continuances. The victim is more likely to follow through when a case is pursued in a timely manner.

6. Reluctant Witnesses:

a. This office will use all legal means to ensure the cooperation and participation of victim/witnesses in domestic violence cases. Before a body attachment or contempt is requested, the DVDA must approve. The DVDA should confer with Family Violence Project staff to see whether they have information that indicates such action would be inappropriate.

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b. In cases where the D.A. chooses to dismiss, the victim must testify at the hearing on the motion to dismiss that she is freely and voluntarily declining to cooperate with the prosecution of the case.

c. If a victim who refuses to testify or cooperate in the prosecution is found to be in contempt of court, the D.A. will request that the disposition address her needs such as required counseling or participation in a battered women's support group.

D. Arraignment and Preliminary Hearing

1. Departmental and Deputy Assignments

a. An effort will be made to schedule the preliminary hearing in accordance with the availability of the D.V.D.A.

b. The deputy who has put in the arraignment will refer the case to the D.V.D.A. immediately upon arraignment or plea and counsel. In cases where a pre-plea motion is filed, the arraignment deputy will confer with the D.V.D.A. to determine who will handle the hearing.

2. Stay Away Orders

a. At the defendant's first appearance, a stay away order will be requested unless the victim indicates otherwise.

b. A conformed copy will be mailed by the D.A. to the victim the day of the hearing.

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E. Reductions and Dismissals

1. Reduction

a. Charges that are filed as felonies are as a matter of policy too serious to be reduced to diversion-eligible charges. All deputies will follow the Domestic Violence Diversion and Probation Guidelines in those cases indicating the need for the inclusion of a mental health requirement in the disposition. (See Appendix)

b. Reductions to misdemeanor charges with a guilty plea secured may be made when substantial evidentiary problems exist.

c. Any reduction made should be cleared through the D.V.D.A. If the D.V.D.A. is unavailable at that time, that deputy should confer with the Family Violence Project staff to see if they have information that indicates reduction would be inappropriate.

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2. Dismissals

a. Dismissals may be appropriate in cases where evidentiary problems preclude the possibility of proving all elements of the crime. Reluctance of the victim should not be the operative factor in making a determination to dismiss the case.

b. The D.V.D.A., and any deputy handling a domestic violence case, should confer with the Family Violence Project prior to moving to dismiss the case. Additionally, if the D.V.D.A. has been unavailable to handle a case (or if a motion to dismiss is to be made at the arraignment), the D.V.D.A. must give prior approval of the dismissal.

F. Sentencing

1. The D.A.'s recommendation for sentencing will be based on the facts of the case and will be commensurate with sentences for other violent crimes.

2. While the feelings of the victim should be solicited in forming said recommendation, it should be made clear to the victim that the judge has the sole discretion to impose any sentence.

3. In those cases meriting recommendations of probation, the D.A. will abide by the Probation guidelines mentioned above (see Appendix).

III. Data Collection

The D.A.'s office shall provide quarterly summaries of all domestic violence felonies filed and declined with details of dispositions.

SECTION G

POLICE TRAINING MATERIALS

FAMILY VIOLENCE PROJECT
50 Ivy Street, Second Floor, San Francisco, California 94102
(415) 552-6554

SAN FRANCISCO POLICE DEPARTMENT

TRAINING PROGRAMS

ON

RESPONDING TO FAMILY VIOLENCE

DEPARTMENT	CURRICULUM		TRAINERS
Academy:	Penal Code and Case Samples	½ hour	Officer Fred Lau
	Report Writing	½ hour	Officer John Meeks
	General Order and the Cycle of Violence	1 hour	Sgt. Jim Dachauer
	Film: Family Affair, Diversion Program, Family Violence Project, Victim Services, Legal update (TRO's, Stay Away Orders, etc.)	2 hours	Family Violence Project
	Simulations	1 hour	Sgt. Jim Dachauer
Field Training Officers (FTO) Program:			
FTO Officers:	General Order, TRO's, Report Writing	1 hour	Family Violence Project
Recruits:	General Order, TRO's, Report Writing, and case studies	2 hours	Family Violence Project
Advanced Officers:	Penal Code, Legal Update, and Report Writing, and General Order	2 hours	Family Violence Project

DISTRICT ATTORNEY

ARLO SMITH
DISTRICT ATTORNEY

DON JACOBSON
CHIEF ASSISTANT
DISTRICT ATTORNEY

SAN FRANCISCO
FAMILY VIOLENCE PROJECT

☐ 50 IVY STREET. SECOND FLOOR
SAN FRANCISCO. CA 94102
(415) 552-6554

☐ 850 BRYANT STREET. THIRD FLOOR
SAN FRANCISCO. CA 94103
(415) 552-1926

RECRUIT TRAINING
Basic Outline

I. INTRODUCTION & OVERVIEW — 10

- Family Violence Project
- Parameters of the Problem & Assumptions we make in our work
- You will be better trained

II. TEMPORARY RESTRAINING ORDERS — 10 - 15

- Where needed
- Where not needed
- Difficult to get them
- Enforcement/verification
- Issues of tenancy
- Write incident reports
- Use of Citizen's Arrest

III. CHARGING - SYSTEMS FLOW — 10

- Don't drop assault charges
- Use of 273 vs. 245 vs. 242

RECRUIT TRAINING 1982

- Citing vs. booking
- Where to refer victim

IV. INCIDENT REPORTS & CASE MANAGEMENT 10 - 15

- Domestic violence designation
- What to include
- Need to write them

* BREAK *

V. DIVERSION 10

- History
- Purpose and how it works
- Informing the victim/respondent

VI. CHARGES IN THE DISTRICT ATTORNEY'S OFFICE 10

- Stay Away Orders
- Felony Unit

VII. PROBLEMS YOU MAY RUN INTO AND WHY BOTHER 20

- Confused victim, reluctant victim
- "Family Unit"
- Impact on Kids
- Your expectations
- The results of no action

DISTRICT ATTORNEY

ARLO SMITH
DISTRICT ATTORNEY

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INFORMATION TO INCLUDE ON DOMESTIC VIOLENCE INCIDENT REPORTS

The following information is often included in incident reports received by the Family Violence Project of the District Attorney's office. We have found these particular items to be invaluable in providing us with critical information needed for the handling of these cases in the District Attorney's office.

INCIDENT AT HAND

Include:

- As much descriptive detail as possible regarding the assault and resulting injuries -- both alleged and visible -- such as:

  ... suspect used open hand vs. closed fist;
  ... redness or swelling about victim's body;
  ... evidence and/or extent of bleeding;
  ... number of times victim was struck, areas of the body where contact was made and any marks or indication of attempted strangulation;
  ... signs of sexual abuse involved in assault

- Information regarding weapons used (knives, guns, etc.) or other instruments of assault such as furniture and/or

INCIDENT AT HAND, continued

household items which victim may have been struck with or pushed against such as:

... hot irons, lit stoves, ashtrays, belts, shoes, bottles, coat hangers;
... bed frames or walls that victim may have been thrown against or rammed into repeatedly

- Evidence of property damage incurred in the incident, such as:

  ... damage to the clothing on the victim and personal property of the victim;
  ... damage to furniture, household items and the dwelling itself

- Whether children or other parties were involved in any way in the incident:

  ... Did suspect threaten or strike them?
  ... Did children attempt to intervene?

- In addition to the parties present when officers arrived, notation of any other potential witnesses (eg. neighbors and passerbys).

- Details regarding any threats made.

- State of mind of victim -- such as, any signs of trauma or extreme fear.

RELEVANT BACKGROUND INFORMATION

Include:

- Marital-relationship status and living/tenancy situation and length thereof of parties involved
- Frequency and severity of past assaults by suspect:
  - ... weapons used by suspect
  - ... medical attention received by victim
  - ... any threats made or property destroyed in past incidences
- Any sign of child abuse in the home
- Note if suspect is under the influence of alcohol/drugs during present incident and whether usage of these substances has accompanied past assaults.

DISTRICT ATTORNEY

ARLO SMITH
DISTRICT ATTORNEY

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SAN FRANCISCO
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50 IVY STREET, SECOND FLOOR, SAN FRANCISCO, CA 94102
TEL. (415) 552-6550

INTERVIEWING THE DOMESTIC VIOLENCE VICTIM/CASE MANAGEMENT

INTERVIEWING THE VICTIM

Because of the close proximity of the parties involved in domestic violence cases, it is imperative that the following procedures be observed by responding officers at the scene of an incident:

- Parties should be separated and victim interviewed out of hearing distance of the suspect.*
- A supportive, directed and repeated line of questioning should be utilized to gather all critical information.
  See "Information to include on Domestic Violence Incident Reports."
  For example: Were you hit? Where? How many times? With what? etc.

CASE MANAGEMENT

It should be assumed that the likelihood of the offense reoccurring is great in any domestic violence situation. Therefore, officers should seriously consider exercising their right to book the suspect given these conditions. No suspect should be cited unless the officer has compelling reasons to believe that the offense will not recur.

As noted in General Order I-6, the victim should be informed of the right to make a citizen's arrest for any misdemeanor offense not committed in the presence of the responding officers.

* Any statements taken from the victim in the presence of the suspect should be noted as such on the incident report.

FAMILY VIOLENCE PROJECT-VICTIM SERVICES UNIT
552-1926 (Victim Line) 553-1865 (Police Line)

**********RESPONDING TO PROTECTIVE COURT ORDER VIOLATIONS**********

There are 2 types of protective orders commonly used in this jurisdiction. Below are descriptions of these orders with background information which may be helpful.

#1) RESTRAINING ORDERS

ISSUED BY: Civil Court-City Hall

WHEN ISSUED: After victim has applied for the order and served respondent (defendant) with a copy of papers

WHO APPLIES: The victim (or harassed party) or an attorney or community agency representing the victim

COST: In S.F. the filing fee is approximately $80.00. Attorney's fees for producing the application run from $50.00-$3000.00 and average around $300.00.

APPLICATION PROCESS: Cumbersome. Victim must prepare a set of documents, serve the defendant, file papers at City Hall, file papers at room 475 of the Hall of Justice and make court appearances

LIFE SPAN OF ORDER: Short. While restraining orders can last up to 3 years, most do not. The average duration of domestic violence orders is 90 days. The victim must go back to court to renew the order.

HOW ORDER CAN BE VERIFIED: Responding officers can verify restraining orders by running a "10-29 Person" giving suspect's name, address and date of birth. The I.D. Bureau of the police department (x.1415) has copies of all valid restraining orders on file and can also confirm their existence.

VIOLATION PUNISHABLE VIA: Sections 166PC or 273.6PC can be used to charge offenses

#2) STAY-AWAY ORDERS

ISSUED BY: Criminal courts

WHEN ISSUED: At any point in a criminal case when the judge has good cause to believe that the defendant will harass the victim

WHO APPLIES: The District Attorney requests issuance from the judge

COST: Free.

APPLICATION PROCESS: Fairly simple. Four short documents are drafted the presented at the defendant's crimina court hearing at which point the jud signs the document. The victim need not be present.

LIFE SPAN OF ORDER: The order is go for the pendency of the court hearin and for any sentence and/or probatio ary period attached. (ie. If the sus- pect pleas guilty and gets 1 month o jail and 3 years of probation, the order is good for 3 years.

HOW ORDER CAN BE VERIFIED: Respondin officers can ask their station to ru the following queries:

QCX/COURTNO: (enter court# from page of document)

or

QCX/NAME: (enter suspect's name)

This query will call forth the court calendar which reflects the status o the court case and any disposition

VIOLATION PUNISHABLE VIA: Sections 166PC or 136.2PC if specific threats were made with respect to court proceedings

(See Back)

CASE MANAGEMENT, continued

Steps should be taken to alert the victim of the possibility of the suspect's release from custody. Mention should be made of the victim's right to call the police again, should that be necessary. Additionally, victim should be given the number of La Casa de las Madres (415/469-7637) and the Family Violence Project (415/552-1926) so that the victim can pursue support services to insure her safety.

The officer may want to inform the victim of the existence of the Domestic Violence Diversion Program and its concomitant court required counseling for the batterer. This information may be particularly attractive to victims who do not want to leave their marital situation, but who are desirous of implementing some type of change to stop the violent assaults.

FAMILY VIOLENCE PROJECT
San Francisco District Attorney's Office • Hall of Justice,
850 Bryant Street, Third Floor, San Francisco, California 94103
(415) 552-1926

CASE FOLLOW-UP AND REFERRAL FOR RESPONDING OFFICERS

When victims are correctly advised about case procedures and encouraged to pursue their cases by responding officers, there is a much greater likelihood that they will do so.

Below are the proper follow-up steps for the four types of cases that are typically handled by responding officers. In cases where a booking does occur, officers should remind victims that the suspect does have a right to bail. Thus, the victim should be urged to use time wisely and seek safe quarters if it is necessary to do so.

MISDEMEANOR NON-ARREST (suspect is GOA, an incident report is written)	Refer victim to General Works or the proper police detail to file complaint
MISDEMEANOR ARREST (on-site arrest by officers or where victim has signed CA card)	No formal follow-up is required from the victim; the District Attorney's office will contact him/her
FELONY NON-ARREST (suspect is GOA, an incident report is written)	Refer victim to General Works or the proper police detail to file a complaint
FELONY ARREST	Inform the victim that an inspector will be assigned to the case and that he will be trying to reach her/him. If it is a General Works case, give victim the phone number (x1141) If the victim plans to relocate, try to obtain a message number and list it in the report

In all four of the above situations IT IS ADVISABLE TO GIVE THE VICTIM IN A DOMESTIC VIOLENCE CASE THE FAMILY VIOLENCE PROJECT PHONE NUMBER (552-1926) FOR FOLLOW-UP. We can sit down with the person, chart out a plan of action, determine whether civil-legal remedies are needed and explain the likely outcome of the criminal justice process. This will encourage the victim to follow through on the case.

FAMILY VIOLENCE PROJECT VICTIM SERVICES LINE: 552-1926

FAMILY VIOLENCE PROJECT NUMBER FOR POLICE USE ONLY: 553-1865

DISTRICT ATTORNEY

ARLO SMITH
DISTRICT ATTORNEY

DON JACOBSON
CHIEF ASSISTANT
DISTRICT ATTORNEY

SAN FRANCISCO
FAMILY VIOLENCE PROJECT

☑ 50 IVY STREET, SECOND FLOOR
SAN FRANCISCO, CA 94102
(415) 552-6554

☐ 850 BRYANT STREET, THIRD FLOOR
SAN FRANCISCO, CA 94103
(415) 552-1926

FAMILY VIOLENCE PROJECT'S POLICE TRAINING
EVALUATION SUMMARY

The Family Violence Project's domestic violence training for Advanced Officers is evaluated using numerical ratings 1 - 5. "1" ("very poor") is the lowest rating possible and "5" ("excellent") is the highest possible. The training is evaluated in two areas: 1) Material Presented and 2) Instructor's Method of Presentation. Below is a summary of the evaluations for Family Violence Project trainings conducted in March, April and May, 1982.

1) Material Presented: Of the 82 evaluations turned in, 94% rated the materials presented "3" to "5".

2) Instructor's Method of Presentation: Of the 78 evaluations turned in, 88% rated the method of the training "3" to "5".

Comments on the evaluations included: "very helpful"; "very well presented, good speaker"; "information was meaningful and job related".

The Family Violence Project's training with the police recruits six weeks after they have entered the Field Training Program is evaluated in narrative form. This 2-hour post-academy recruit training is conducted in small groups of 9 - 16 officers. The evaluations from the two most recent classes taught reveal that 87% evaluated the program as helpful, extremely useful, relevant, well presented, etc. Enclosed is a selection of the evaluations of one of the post-academy recruit classes.

The Family Violence Project's training with recruits at the Police Academy is currently not evaluated separately. However, separate evaluations of our course will be instituted as of June, 1982.

SECTION H

SELECTED ARTICLES ON THE FAMILY VIOLENCE PROJECT
AND THE CRIMINAL JUSTICE SYSTEM

CALIFORNIA CRIME WATCH

State of California

Crime Prevention Center
Office of the Attorney General
555 Capitol Mall, Suite 290
Sacramento, California 95814

916/322-2574

George Deukmejian
Attorney General

VICTIMS RIGHTS & DOMESTIC VIOLENCE

California's sixth annual Victims Rights Week is scheduled for April 18-24. First observed in 1977, the week is designed to draw attention to the tragic plight of crime victims. For too long, our criminal justice system has focused largely on the rights of criminals, ignoring the needs and rights of innocent victims. The ultimate goal is to insure that victims are treated with fair and humane consideration by the justice system - there is a long way to go before the scales are balanced.

This year for Victims Rights Week, one of the focal points of the Attorney General's Crime Prevention Center is domestic violence.

Somewhere in the country, a woman is beaten every 15 seconds. FBI statistics reveal that one-third to one-half of all American women are, at some time, beaten by their husbands or lovers. Twenty-five percent of these victims are beaten when they are pregnant. Moreover, the bureau estimates that the actual incidence of domestic violence is 10 times greater than the reported figure.

Another ugly fact is that a large percentage of willful homicides are domestic violence incidents. Most people think of homicide - or murder - as a back alley-, gangland- or robbery-connected crime. In fact, these are the minority of cases. Most homicides occur between friends, acquaintances or relatives. According to FBI statistics, in one-third of all willful homicides, the victim is killed by a spouse, parent or child. Even more distressing is the fact that *one-half* of all female homicide victims are murdered by a spouse, parent or child. (If "lovers" were added, these numbers would be even higher.)

Children are also victims. Statistics reveal that in one-half of all spouse-abusing families, the children are battered as well. And even if there isn't physical abuse, there is the emotional trauma and corresponding problems of witnessing violence in the home. When children witness violence between their parents, they often learn violence as a way of life and frequently become involved in abusive relationships themselves. One study by the San Francisco Family Violence Project revealed that 63 percent of the domestic violence offenders had either seen their mothers abused or had themselves been abused as children.

Domestic violence cuts across all social, ethnic, racial, economic and educational lines. Situations that begin with a slap across the face routinely result in serious injury or death. And yet, statistics compiled by the California Commission on the Status of Women reveal that only 2 percent of battering males are ever prosecuted for the crime. Pressing charges in domestic violence cases is as rare today as pressing charges in rape cases was 10 years ago.

One major problem is that many people simply do not consider domestic violence a crime. Rather, it is seen as a "personal problem," "spat," "quarrel" or "argument." Public agencies have been reluctant to get involved.

The criminal justice system has helped perpetuate this situation. This traditional "no-action" stance has been defended by the claim that victims of domestic violence often fail to pursue the case or cooperate with the system. The system's attitude, however, has been at least partially responsible for these victims' reluctance to take action against their attackers.

Things are, however, starting to change. Through the women's movement and a changing attitude toward violence in general, domestic violence situations are beginning to be seen for what they are - SERIOUS CRIMES. The individuals responsible are starting to be held accountable for their actions, and rightly so. An injury received from a spouse at home is as painful, dangerous and illegal as an injury received from a stranger on the street. (The National Crime Victimization Study (1977-1978), funded by the Law Enforcement Assistance Administration, found that persons assaulted by a family member are twice as likely to suffer injuries and require medical attention than persons assaulted by a stranger.)

San Francisco District Attorney Arlo Smith has taken a lead in changing the system's response to domestic violence. Almost two years ago, he organized the San Francisco Family Violence Project to provide direct aid to victims of domestic violence and to increase public awareness of the problem. Smith has found that the system needs to treat domestic violence victims differently from street assault victims. He states that there is obviously a different psychological trauma involved in domestic violence due to the emotional dynamics of the situation.

The project's mandate was and continues to be to develop and implement model criminal justice system procedures and services which improve and strengthen the criminal justice response to family violence.

From the beginning of the project, a comprehensive approach was developed to strengthen all sectors of the system in a coordinated fashion (e.g., police, district attorney, probation, courts, etc.). The nature of family violence requires this multifaceted approach to sufficiently address the problem.

The underlying and crucial premise to the project is that domestic violence is a very serious crime and often develops into lethal situations if no effective intervention occurs.

The San Francisco Family Violence Project, now completing its second year, has made a major impact on the San Francisco criminal justice system's approach to domestic violence. The project has shown that if the criminal justice system takes domestic violence seriously the victims will be more apt to cooperate. All San Francisco police are now trained to handle domestic violence situations as serious crimes rather than "family squabbles." The police department has adopted a new reporting form that clearly indicates whether any given crime is domestic violence related or not. In addition, police now routinely inform women of their right to make a citizen's arrest against their assailant. (If an officer does not witness an assault and there is no specific evidence to give him probable cause, he cannot make an arrest - but he can carry out a citizen's arrest for the victim.) A 60 percent increase in arrests at the scene (comparing March 1980 with October 1981 data) demonstrates the success of this new police approach to domestic violence.

In addition to working with the police, the project assisted over 1,000 victims in 1981 (survey results indicated that 70 percent of these cases would have been dismissed if the project had not intervened); gained recognition of the problem by the Mayor and Board of Supervisors of San Francisco, resulting in special hearings, subcommittees and the ultimate funding of the project; and formed a multidiscipline alliance on domestic violence, including community-based coalitions, the Mayor's subcommittee, city department heads and community experts.

The criminal justice system, by virtue of its power to enforce existing laws, is the primary institution to which violent families turn for help and protection. If there is to be an impact on family violence, the criminal justice system must take the leadership role, recognizing domestic violence as the serious crime it is and taking the appropriate steps to combat it.

For more information on the San Francisco Family Violence Project, contact Sue Martin or Esta Soler at:

Family Violence Project
50 Ivy Street, Second Floor
San Francisco, California 94102
415/552-6554

[From the San Francisco Examiner, May 19, 1981]

A Hard Look—Battered Women: Family Violence

(By Beth Hughes)

"When I was younger, thinking of marriage, I always expected the guy to be more of a protector than attacker. I thought we would work together towards a common goal.

"For sure, that's pretty idealized but I knew marriage would be no bed of roses, there would be problems.

"But I never expected to be hit."

FBI statistics indicate she should not have been surprised, that between a third and half of the women in this country are beaten by their husbands or lovers. The problem cuts across income, education, social and racial lines. A situation that may begin with a slap in the face routinely ends in death. And only recently have societal attitudes changed to see wife beating as a serious domestic crime.

The slight, wiry woman describing her now-bloodied dreams is an emotionally and physically scarred victim of brutal beatings with deadly weapons—a fist, a lamp and a gun.

Her attacker was her husband, a man she knew to be kind and gentle during several years of friendship and then courtship before their marriage.

He hit her for the first time "hours after the marriage ceremony."

The crimes all occurred in their modest Bay Area apartment, a home she abandoned months ago after a series of assaults sent her first to hospital emergency rooms, then into intensive care wards and finally into the operating room for reconstructive plastic surgery.

Despite warnings by a legal counselor working with a battered women's support group who told her of the potential hazards and "the need to be very unemotional," she decided to prosecute her husband.

This came after he beat her when she returned from the hospital, and for the first time she requested police assistance.

Calmly, she has seen her case wend its way through three court sessions. At each session, a different lawyer from the district attorney's office represented her.

"They kept repeating the same questions, 'Are you still going to press charges? Are you still going through with this?'

"I'm in limbo. I have to leave this part of my life to somebody else's discretion. I sure hope they read the folder."

The crime could result in a one-year jail sentence for her assailant. With plea bargaining or the decision of the court to place her husband in a diversion program, he could be placed in counseling for up to two years.

If these beatings had occurred anywhere other than a residence shared by a man and a woman, pressing charges against a known assailant would have been a routine legal maneuver.

In the gray area of domestic violence, however, legal action by a woman against her husband or lover is still as unusual as pressing charges against a rapist was 10 years ago.

Social workers, doctors, police, lawyers, ministers, victims and their attackers either view wife-beating as carrying such a social stigma or as so routine an occurrence that only two percent of the men who beat their wives or women they live with are prosecuted, according to figures kept by the California Commission on the Status of Women.

"This (domestic violence) is just not considered a crime," said Esta Soler, director of the Family Violence Project operated by the San Francisco district attorney's office.

"Look at the words used to describe it, 'a spat, a quarrel, a squabble,' they all minimize what is serious violence.," Solar said.

"The pervasive attitude is that this is something that happens behind closed doors between two people involved in a relationship," Solar said.

Only recently has the extent of these crimes been recognized.

Statistics gathered by The Examiner show that more than 50 percent of all assaults and 40 percent of all assaults with a deadly weapon in the Bay Area on Valentine's Day 1981 were the direct result of domestic violence.

Figures provided by the Family Violence Project show:

One third of all women homicide victims in California were murdered by their husbands. When women murder their husbands, it's usually in self-defense.

FBI statistics indicate that somewhere in the country a woman is beaten every 15 seconds. The bureau also estimates that the actual incidence of domestic violence is 10 times greater than the reported figures.

At least 25 percent of battered women were struck during pregnancy.

Sixty-three percent of boys, aged 11–20, who commit homicide kill the men who have been beating their mothers.

Twenty percent of all hospital emergency room visits by women are attributable to wife beating.

Absenteeism related to such assaults results in an economic loss to the country of $3 million to $5 million per year, plus another $100 million in medical bills.

"We're saying these men have to be held responsible for their actions," said Del Martin author of "Battered Wives," the first major work on the subject.

"Even if she made him angry, he has no right to beat her."

One victim who decided, with the assistance of the Family Violence Project, to press assault charges against her former husband said, Violence is violence. I think because it is a domestic issue, you can't make it less of a crime.

"The difficulty in dealing with domestic violence is the emotional bonds. And, you're dealing with two unknowns, two people as well as lawyers, police, courts and all the processes."

Her reason for pressing charges is simple. Although they are in the process of obtaining a divorce, her assailant, her husband, "will not quit. People don't have the right to hurt people."

She lives wherever she can—a women's shelter for a few nights, a sofa-bed in a friend's spare room. But always, she moves on, afraid that her husband will find her and beat her again.

"I am not paranoid. I have a basis for my fears. I can't cage myself to avoid him. I will not. I have a right to go out, the same as the muggers. But I've told my friends that if they see me in his car, I'm being kidnapped."

District Attorney Ario Smith organized the Family Violence Project a year ago as a pilot to provide assistance to victims of domestic violence and increase public awareness of the problem.

So far, the five staff members have helped 600 to 700 victims take legal action on a budget of $130,000 provided by public and private grants.

Previously, Smith says, cases of domestic violence were regularly shoved aside. A spouse would change her mind or become afraid of continuing with legal action.

"What we've discovered is that these cases must be handled differently from assaults on the street. There's a different kind of psychology involved and we must consider the emotions of the victims."

Both San Francisco and Oakland, as well as Los Angeles and Santa Barbara, now train police to handle domestic violence situations as crimes rather than "family beefs."

Responding to domestic violence complaints is one of a police officer's most dangerous assignments, a factor which, in the past, has kept officers from doing little more than serving as referees.

Now, police in these jurisdictions treat domestic violence as serious crimes and inform women of their right to sign a Citizens' Arrest Card against her husband.

"It is a citizen's arrest because we didn't see it," explained Sgt. Gerald McNaughton, a 23-year veteran of the San Francisco Police Department.

"It is now being seen as a crime," said Ruth Edwards of the Alameda County District's Attorney's Victim-Witness Program. "Something where the police, not the social worker, should be called in."

In the past, social workers and counselors worked to keep couples and families together.

But after observing a cycle of violence—women would return home to be attacked again—individual counseling, legal action and advocacy within the criminal justice system have become increasingly effective methods of dealing with domestic violence.

"With all the roadblocks a woman faces, I'm amazed they are strong enough to follow through," said Edwards.

Still, women are just beginning to feel that the criminal justice system is recognizing the problem.

"After all," Edwards added, "what is the difference between the 30 stitches you receive after being attacked on the street and the 30 stitches you get after being attacked at home?"

[From the Equal Rights Advocate, September 1981]

Family Violence is a Crime

(By Esta Soler and Grace Damon*)

Family violence is a crime—a crime whose seriousness has yet to be recognized. The "contribution" of family violence to violent crime statistics is enormous. According to a recent San Francisco Examiner study, "72 Hours of Crime," 39 percent of all assaults, attempted murders and murders were the direct result of family violence (March 2, 1981). A 1970 study in Oakland, California, indicated that police responded to 16,000 family violence calls during a six-month period. Furthermore, according to the F.B.I., in the State of California, 33 percent of all female homicide victims were killed by their spouses. The scope of this problem and the volume of requests for help is staggering.

What is even more frightening is the often inadequate, inappropriate, or ineffective response of our major institutions to family violence situations. In Kansas City, a city in which 40 percent of all homicides involve a spouse killing a spouse, a study found that in 50 percent of those murders, the police had been summoned five or more times within a two-year period before the murder occurred.

Battered women seeking emergency room services are often misdiagnosed. Several studies suggest that "failure" in the emergency room may precipitate a whole range of self-destructive behavior. A study of female suicide attempts in New Haven, Connecticut, indicated that almost 30 percent were victims of battering, and almost 90 percent of the battered women who attempted suicide had been seen in the previous six months for an injury resulting from physical abuse.

Despite its obvious pervasiveness and severity, family violence continues to be minimized by public officials, law enforcement agencies, the media, social service agencies, and violent families. Frequently, this violence is disguised by referring to an incident as a "lover's quarrel," or a "couple's dispute." Calling assaults, often with a deadly weapon, "couples' disputes" is to minimize grossly the violence of those acts. A "family dispute," as commonly understood, is *not* a life-threatening event—family violence all too often is.

The tragedy of domestic violence, moreover, extends well beyond the tragedy to the life of a particular victim. All too often, the children of violent households learn that violence is not only an acceptable but also a very successful way to get what they want.

Until it is treated as serious violence, we will see the continuation of family violence, and its perpetuation by the children of these families. Concerned individuals can help decrease the incidence of domestic violence by supporting services to victims and urging their local governments to develop and maintain programs that confront family violence.

Mr. Murphy. Thank you very much. That was tremendous insight, chief. We thank you very, very much. And with that the subcommittee meeting will adjourn, and we thank all of the witnesses. They have traveled some distance to be with us. Their testimony has been very valuable and very helpful. Thank you very much.

[Whereupon, at 12:23 p.m., the subcommittee recessed, subject to the call of the Chair.]

[Additional material supplied for the record follows:]

American Bar Association,
Washington, D.C., June 29, 1983.

Hon. Austin J. Murphy,
Chairman, Subcommittee on Select Education,
Committee on Education and Labor,
Washington, D.C.

Dear Mr. Chairman: Thank you for asking the American Bar Association for our comments in connection with the June 23, 1983 oversight hearings your Subcommittee held on domestic violence. We wish to commend you for focusing attention on this problem by holding this hearing. We request that you include this letter in the hearing record.

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* Esta Solar is the Director of the San Francisco Family Violence Project; Grace Damon is a consultant to the Project. The authors wish to thank Sue Martin for her assistance.

Since February, 1978, the ABA has supported federal, state and local efforts to combat the incidence, causes and effects of family violence. (Exhibit A). In August of that year, the Association's House of Delegates elaborated on this policy by approving an eight-point Section of Criminal Justice resolution specifically calling for secure temporary residential facilities, together with counselling and other support services. Among its other recommendations, the resolution called for police or prosecutors to provide written reasons for declining to arrest or prosecute alleged perpetrators of domestic violence, and urged that the relationship between the parties not be the primary factor in determining pretrial release, sentencing, or imposition or revocation of probation or parole. The need for appropriate government agencies to collect and analyze data related to the frequency, seriousness and other characteristics of spousal assault was also recognized. (Exhibit B)

The Section's Committee on Women and Criminal Justice, which developed this eight-point policy recommendation, was mindful of the fact that violence in the home results in maiming and death as certainly as violence in the street. As a serious crime, it requires the intervention of the criminal justice system. At the same time, the committee recognized that because intra-family assaults are in some ways different from other assaults, they call for a modification of the normal criminal justice system response. In most violent encounters, it may be sufficient for the criminal justice system to separate the contenders and, if necessary, to isolate and lock away the aggressor for a time. Domestic vilence assaults also require such separation and protection. However, the complicated chemistry of habit, need, social conditioning and human and financial dependence demands a several-pronged approach to domestic violence and involving psychological therapy and other forms of counselling as well as criminal justice sanctions.

We are pleased to see signs that the sorts of criminal justice reforms we have promoted are beginning to receive serious consideration in the criminal justice community. This is particularly true with respect to the recent interest in arresting perpetrators rather than merely removing them from the home for a "cooling off" period. Such criminal justice reforms are crucial to the long-range reduction of domestic violence as well as to the immediate protection of some of its victims. For the most part, they must emanate from the states and localities where domestic violence occurs and where jurisdiction for its prosecution exists. Nevertheless, the federal government can—and should—indirectly participate by supporting community domestic violence programs. Such programs will encourage further development of sensitive, responsive procedures and programs within the law enforcement and criminal justice systems. Moreover, federal funding of these programs will go a long way toward addressing the fundamental causes and effects of domestic violence which are outside the purview of the criminal justice system.

In 1978, 1979 and 1980, the ABA provided congressional testimony in support of federal legislation in this area. During that period, there was at least limited funding to assist domestic violence programs from several federal sources. Since 1981, however, nearly every federal program that provided such financial assistance has had its budget cut substantially or eliminated, according to the Center for Women Policy Studies. The Center reports that this has resulted in a majority of domestic violence projects being forced to reduce the number of services or to provide less shelter at a time when their volume of clients is increasing. Thus even more strongly than before, we urge your immediate action on this matter.

While these oversight hearings are not considering any specific piece of legislation, several bills have been introduced in this Congress containing provisions we have previously supported.

For instance, we recognize the need for community-based shelters to provide immediate refuge and support services for the victims of domestic violence and their children. A spouse wishing to escape actual or imminent violence should not have to rely on the decision of a law enforcement officer that violence has been sufficiently serious to warrant removing the offender from the home, either for a temporary "cooling off" period or by arrest. Domestic violence victims need an instantaneous alternative to the continuation of the grim domestic dance of death.

Shelters by themselves, however, are not enough to help families break long patterns of abuse and victimization. Thus the ABA also supports federal grants to local public agencies and private non-profit organizations for projects designed to prevent incidents of domestic violence. These would include counselling programs—both for victims of domestic violence and for those who commit domestic violence. There are too many domestic batterers either to ignore or to expect the criminal justice system to handle alone. (As the Pennsylvania Coalition Against Domestic Violence testified, one study reports that one out of six couples in the U.S. experiences such violence every year). Even were the numbers themselves not so compelling, the per-

vasive and complex nature of the crime makes it unrealistic to conclude that criminal justice reforms by themselves could ever change what is usually a lifetime pattern of behavior by the perpetrator—and often by the victim as well.

Again, we emphasize an integrated approach to dealing with domestic violence. For example, one area where the criminal justice system and counselling services can unite to promote long-term prevention of domestic violence is diversion. Such programs, wherein the system agrees not to prosecute a batterer who successfully completes a program, would seem to provide a promising alternative to incarcerating perpetrators on the one hand and ignoring them on the other. The ABA supports diversion and other alternative means of dealing with habitual offenders. It would also urge the use of federal funds for the establishment and refinement of such programs.

Again, the ABA is pleased that your Subcommittee held hearings on this very important problem. We trust that the results of your hearings and deliberations will be the development and promotion of sound legislative policy responding to the very real need for Federal assistance in addressing the appalling and widespread problem of domestic violence in our country.

If you have any questions or wish further information on the Association's position, plase call Susan Hillenbrand, Criminal Justice Section Victim/Witness Coordinator. Her telephone number is (202) 331-2260.

Sincerely,

ROBERT D. EVANS.

EXHIBIT "A"

RESOLUTION OF THE HOUSE OF DELEGATES OF THE AMERICAN BAR ASSOCIATION, ADOPTED FEBRUARY 1978

Be It Resolved, That the American Bar Association supports federal, state and local efforts to combat the incidence, causes and effects of family violence and supports the implementation of programs to protect the victims of family violence.

EXHIBIT "B"

RESOLUTION OF THE HOUSE OF DELEGATES OF THE AMERICAN BAR ASSOCIATION, ADOPTED AUGUST 1978

Be It Resolved, That the American Bar Association, in implementation of the policy adopted in February, 1978, supporting efforts to combat family violence, recommends the following:

(1) That shelters or other secure temporary residential facilities, together with counselling and other support services, be established for the victims of domestic violence.

(2) That law enforcement officers who respond to domestic violence calls, after insuring that the victims of domestic assaults and their dependents have been removed to safe places as provided in #1, investigate the incidents, prepare written reports, and, in the event they conclude no criminal charges are appropriate, file written statements of the reasons for the decisions.

(3) That prosecutors who decline to file criminal charges in domestic assault cases referred to them by the police, state in writing the reasons for their decision not to prosecute, and provide the complainant with information as to alternative procedures.

(4) That specific data related to the frequency, seriousness, and other characteristics of spousal assault, including disposition of complaints and the stated reasons for the particular disposition, as well as data on existing programs designed to respond to such assaults, be collected and analyzed by appropriate government agencies.

(5) That the courts, in the determination of pretrial release, sentencing or imposition or revocation of probation or parole, not treat for the relationship between the parties as the primary factor.

(6) That the state create a mechanism for responding to intrafamilial violence by establishing diversion programs and by providing counselling and other support services.

(7) That statutes providing for arrest for violation of protective orders (civil or criminal restraining orders) be enacted and enforced without regard to the relationship between the parties.

(8) That the victims of domestic violence not be excluded from coverage under victim compensation legislation where they demonstrate the requisite quantum of injury and where they actually live separate and apart from assaulting spouses.

WOMEN'S CENTER AND SHELTER OF GREATER PITTSBURGH,
Pittsburgh, Pa., June 15, 1983.

Congressman AUSTIN J. MURPHY,
Committee on Education and Labor,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MURPHY: We are deeply appreciative of your interest and support for the funding of shelters for battered women and their children across the United States.

In 1982 Women's Center and Shelter of Greater Pittsburgh, which serves all of Allegheny County and beyond, sheltered 574 women and children and turned away 585 due to lack of space. In August 1983 we are moving to larger permanent quarters to accommodate the ever increasing demand. This substantially increases our operating costs yet we feel we have no choice but to grow to meet the need. We provide vital life saving services and shelter for the homeless and we cannot continue to turn women and children away.

We experienced a 58 percent increase in services in January 1983 as compared to January, 1982.

As you undoubtedly know, Surgeon General Koop has declared family violence to be the #1 Public Health problem in the United States today. The emergence of Domestic Violence programs across the country have begun intervention in this cycle of violence and need to be a priority item for funding by the federal government.

Sincerely,

MARTHA A. FRIDAY, *Executive Director.*

WOMEN IN TRANSITION,
Philadelphia, Pa., June 28, 1983.

Congressman AUSTIN M. MURPHY,
Chairman, Subcommittee on Select Education,
Committee on Education and Labor,
Washington, D.C.

DEAR CONGRESSMAN MURPHY AND COMMITTEE MEMBERS: Thank you for the opportunity to provide a statement on domestic violence for the record of the Subcommittee hearing. We are encouraged to learn that this difficult problem has commanded the attention of the Subcommittee and hope that you will be compelled by its severity to recommend a federal program to aid the victims.

As one of the oldest multi-faceted women's agencies in the country, Women in Transition brings eleven years of experience to the tasks of developing and providing specialized services to battered women and their families, women in marital transition, single-parent women, and women (re)entering the workforce. WIT is recognized as a leader in the development of local services for women, particularly for services to low-income and minority women.

In the past year, we have sustained a dramatic drop in funding to support our services to battered women and their families. We are making every effort to develop new sources of support for this population, most of whom cannot afford even minimal fees to cover the many services they require. The attached text is an excerpt from a new program we have developed to work with couples experiencing violence in their relationship. At this time we are seeking funding to support the implementation of this project.

Please include this letter and the attached statement in the Subcommittee hearing record.

Sincerely,

SARAH LYNNE MCMAHON, *Executive Director.*

TESTIMONY ON DOMESTIC VIOLENCE, SUBMITTED BY WOMEN IN TRANSITION

It is only in recent years that spouse abuse has begun to be recognized as a widespread and complex social problem requiring community attention. The statistics on incidence are very sobering. Incidents of spouse abuse are more underreported than incidents of rape; the FBI estimates that spouse abuse occurs three times more often

than rape, approximately once every 18 seconds. It has been estimated that from 12 percent to 28 percent of marriages are physically abusive. Using the more conservative estimate, over 44,000 Philadelphia couples are involved in physically abusive relationships. The Philadelphia Police Department deals with about 21,000 cases of spouse abuse each year, and about one-third of all private criminal complaints filed on Philadelphia courts are abuse-related.

Across the nation, the impact of the stressful economic climate is being felt in the increased incidence of spouse abuse. Recently, Dr. C. Everett Koop, U.S. surgeon general, identified violence as the nation's number one health problem, and altered physicians to be aware of possible violence in families suffering financial distress. In addition to a documented increase in the incidence of domestic violence, the economic climate makes it even more difficult for women and their children to leave abusive relationships if they desire. However, most abused women do not want to leave their marriages; they want the violence to stop. For the first time in years the divorce rate is down, and this is widely attributed to the effects of the national economy. Even in the best of times, women earn 57 cents compared to the dollar earned by men.

Shocking as these statistics are, they cannot begin to convey the extent of the individual suffering experienced by victims and their families. These stories—hidden for years because of shame and isolation—are becomng public. In the last decade, women's organizations across the country have formed to provide services and advocacy to victims of domestic abuse. In Philadelphia, three women's agencies provide hotline, counseling, legal, and shelter services to victims. While shelter is also provided by other organizations, the number of available beds does not begin to meet the demand. In addition, most women return to their homes after staying in a shelter and the cycle of violence continues to escalate. Over 900 women with abuse-related problems call the three hotlines each month. A study of court system effectiveness in three cities found that violence had recurred within two or three months in over one-third of the cases. Counseling services, while helping the vicitm to develop self-esteem, do not change the role of the batterer in the present relationship nor in any that follow. Without intervention, the batterer will continue to abuse this partner of others. Programs for batterers, conducted by men, are being developed throughout the country, with one in the initial stages of development in Philadelphia.

While all these services are very important in providing emergency help and some periodic cessation of the violence, the pattern of violence which has been established requires comprehensive intervention involving both the battered and the victim.

THE NEEDS OF THE VICTIM

The needs of victims of domestic violence, though very complex, are becoming better understood. Increasingly it is felt that the support group model is most effective in helping victims to overcome their feelings of isolation and helplessness, to learn to express anger, and to develop a stronger self-image in a safe and supportive environment. Victims must be helped to understand and acknowledge the cyclical and escalating nature of the violence. Tolerance of violence is a learned behavior and the victim requires assistance in recognizing that abusive behavior is not normal and that they are not to blame.

THE NEEDS OF THE BATTERER

In the past, spouse abuse treatment has tended to focus on the victim. More recently, the focus has shifted to place responsibility for the abuse firmly on the abuser. While abuse is the result of societal sex-role stereotyping which casts the man as independent and aggressive and the woman as passive and dependent, violence is also a learned behavior, and it is the abuser's responsibility to modify his behavior. In a support group setting, a facilitator models relational and problem-solving behaviors and peer pressure is exerted to help the abuser develop self-awareness and learn self-control.

THE NEEDS OF THE COUPLE

While each partner in an abusive relationship must learn new behaviors and develop more fully as whole individuals, as a couple they must learn new interpersonal skills and build a new relationship to the extent possible. One serious deficiency which has been noted among these couples is effective, nonescalatory communication and decision-making skills. While individual marital therapy for abusive cou-

ples has limited effectiveness, there is increasing evidence that the small group dynamic which is so effective in working with the gender-specific groups is also effective in small group treatment of couples. One significant aspect of this is the role modeling of shared leadership and relational skills set forth by male and female co-facilitators. It is believed that with professional intervention and the appropriate support and assistance of community resources, both partners can learn new behaviors, develop new relational capacities, and discard dysfunctional behavior. This program offers a resource for helping these couples stop the cycle of violence and achieve dignity in their relationship.

CWPS
center for women policy studies

Written Testimony
of
Center for Women Policy Studies
Submitted to
Subcommittee on Select Education
Committee on Education and Labor
U.S. House of Representatives

Thursday, April 23, 1983
Washington, D.C.

The Center for Women Policy Studies submits this written statement for the hearing on the issue of Domestic Violence before the House Subcommittee on Select Education. CWPS is a Washington-based private nonprofit research group, which has gathered information and studied the issue of domestic violence and other related issues for the past decade.

The issue of domestic violence in our country is a cause of great concern. (See Fact Sheet attached.) Women and children are being battered in their own homes and we, as a society, are only beginning to deal with the problem. Congress, however, through its cutbacks in social service funding, is making it more and more difficult for abused women and children to secure the services they desperately need.

It is very disturbing that our national leaders have taken little initiative towards helping battered women and their children and that year after year Congress has failed to provide funding to community-based domestic violence projects. Although Surgeon General Everett Koop has warned that domestic violence is a serious national health problem, there has been no federal action in the past year to address it.

In a recent national survey conducted by the Center for Women Policy Studies, which examines effects of federal budget cuts in social service programs on domestic violence projects, the lack of adequate services for battered women and the negative effects of reduced federal dollars on domestic violence projects was documented (see Attachment 1).

The survey findings clearly indicate that Congressional funding cuts have forced a majority of domestic violence projects to reduce their services or to provide less shelter at a time when their volume of clients is increasing. In addition, four out of every five domestic violence projects are unable to meet the growing needs of battered women and children in their communities. Furthermore, only sixteen percent of those projects that indicated reductions in federal funds stated that those losses were being offset by money from other sources -- private, or state and local governments.

It is clear from the survey findings that Everett Koop's warning should be taken seriously and that "(i)f we truly care about the future of our society, then we have to move to confront the terrible implications of family violence in America." One clear way that Congress can do this is by providing financial support for community-based domestic violence projects.

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June 1982

Fact Sheet on Family Violence

The Problem

Violence is a startlingly common problem in American families. According to a 1976 national survey, at least 1.8 million American women are beaten each year in their homes. The researchers who conducted this survey believe that this figure substantially underrepresents the extent of violence in American families, perhaps by half.

> Murray A. Straus, Richard J. Gelles, and Suzanne K. Steinmetz, *Behind Closed Doors: Violence in the American Family* (Garden City, New York: Anchor Press/Doubleday, 1980).

A 1979 survey of Kentucky women conducted by Louis Harris Associates revealed that one in ten Kentucky women experienced some physical violence at the hands of their spouses in the 12 months preceding the study.

> Mark Schulman, *A Survey of Spousal Violence Against Women in Kentucky* (Washington, D.C.: Government Printing Office, 1979).

Domestic violence can result in severe injury to the victim and even death. Women who are abused generally are beaten repeatedly and suffer injuries serious enough to require emergency medical attention. A study at one Connecticut hospital found that almost half of the 1400 injuries brought by 481 women to the hospital's emergency room resulted from beatings by their husbands or boyfriends.

> Evan Stark, Anne Flitcraft, and William Frazier, "Medicine and Patriarchal Violence: The Social Construction of a 'Private' Event," *International Journal of Health Services* 9 (1979).

Battering tends to escalate over time, leading, in some instances, to homicide or suicide. According to the 1979 FBI *Uniform Crime Reports*, 40 percent of female homicide victims are killed by family members or boyfriends. A study conducted at a Connecticut hospital revealed that battering accounts for one in four suicide attempts by women.

> Federal Bureau of Investigation, *Uniform Crime Reports* 1979; and Evan Stark, Ann Flitcraft, M.D., et al., "Domestic Violence and Female Suicide Attempts," paper presented at the 107th Annual Meeting of the American Public Health Association, New York City, November 3-7, 1979.

Children, whether physically abused themselves or witnesses to the abuse of their mothers, are also victims of domestic violence. A study by the American Humane Society found that in 20 percent of the families in which child abuse was reported, spouse abuse also occurred.

> American Humane Society, *Annual Statistical Report: National Analysis of Official Child Neglect and Abuse Reporting* (Englewood, Colorado: American Humane Society, 1977).

Violence in families passes from generation to generation. In their national survey, Straus, Gelles, and Steinmetz found that one out of four people who grew up in households where parents often physically punished their children and hit each other, use at least some physical force on their spouses in any one year. One out of ten of the husbands who grew up in these families severely assault their wives.

> Straus, Gelles, and Steinmetz, *Behind Closed Doors: Violence in the American Family* (Garden City, New York: Anchor Press/Doubleday, 1980).

The Response

As of February 1981, there were approximately 400 shelters offering battered women and their children emergency services. Recent cutbacks in funding for social services have undoubtedly forced a number of these

shelters to reduce their services or close their doors. Battered women's shelters are supported by community volunteer labor, donations of goods, private donations, and public funds.

Center for Women Policy Studies, *Programs Providing Services for Battered Women*, (Washington, D.C.: CWPS, 1981).

Shelters meet the needs of only a small number of the millions of battered women. According to the Kentucky survey, while in 25 percent of the cases of battering the women would have welcomed emergency shelter, shelter was provided in only 2 percent of the cases.

Mark Schulman, *A Survey of Spousal Violence Against Women in Kentucky* (Washington, D.C.: Government Printing Office, 1979).

Battered women often cannot find relief from the police or the criminal justice system. A study of domestic homicides in Kansas City found that in 50 percent of the cases, the police had been called to the residence five or more times before the homicide.

M. Wilt, et al., *Domestic Violence and the Police*, 1977.

A study of Kentucky battered women by Louis Harris Associates reveals that battered women called the police in less than 10 percent of the cases.

Mark Schulman, *A Survey of Spousal Violence Against Women in Kentucky* (Washington, D.C.: Government Printing Office, 1979).

Police rarely file reports on domestic violence and even more rarely arrest men for battering. In Cleveland, Ohio, during a 9-month period in 1979, police received approximately 15,000 domestic violence calls. Reports were filed in 700 of these cases, and arrests were made in 460 cases.

Ohio Attorney General, *The Ohio Report on Domestic Violence*, 1979.

In the District of Columbia in 1974, only 18 percent of the arrests for aggravated assault in families resulted in conviction. Of arrests for simple assaults in families, only 8 percent resulted in convictions.

Parnas, "Police Discretion and Diversion of Incidents of Family Violence" 36 *Law and Contemporary Problems* (1971).

Legislation

There is no federal legislation on family violence. A bill that would have provided $65 million in support for domestic violence programs over 3 years was approved by both the House and the Senate in the 96th Congress, but died when the Senate failed to consider the Conference Report.

A similar bill has been introduced in this 97th Congress by Representative Barbara Mikulski (D-MD) and 66 cosponsors. No companion bill has been introduced in the Senate.

According to the U.S. Commission on Civil Rights, "while the most recent pieces of Federal legislation on spouse abuse are certainly a step in the right direction, they are little more than small project grants that cannot begin to meet the needs of the hundreds of thousands of women who experience abuse each year."

U.S. Commission on Civil Rights, *The Federal Response to Domestic Violence: A Report of the U.S. Commission on Civil Rights* (Washington, D.C.: U.S. Commission on Civil Rights, 1982).

Forty-nine states and the District of Columbia have enacted some type of legislation designed to protect battered women. However, new legislation by itself cannot change the response of courts, police, or social service agencies to the problem of family violence. This legislation is only a tool that victims of abuse and their advocates can use to promote more effective court response to violent families.

Lisa Lerman, "State Legislation on Domestic Violence," *Response to Violence in the Family* 4 (September/October, 1981).

Thirty-seven states have appropriated some funds for services for violent families. At least fourteen states impose a surcharge on the marriage license to raise funds to support domestic violence programs. Nevertheless, the need for funding for shelters and other sources for violent families is still largely unmet.

Lisa Lerman, "State Legislation on Domestic Violence," *Response to Violence in the Family* 4 (September/October, 1981).

Appendix I

How Federal Budget Cuts Have Affected Domestic Violence Programs: A National Survey Report

Since 1981, nearly every federal program that provided financial support or technical assistance to domestic violence projects has had its budget substantially cut or eliminated by the U.S. Congress and/or the Administration. The Administration maintains that state and local governments and private sources, including volunteers, will move to fill the gap.

While there is little doubt that the loss of funding has hurt domestic violence projects nationwide, at a time when the incidence of abuse appears to be increasing, the extent of the damage caused by federal budget cuts has not been known until now.

To gain a clear picture of the impact of 1981 and 1982 federal budget cuts on domestic violence projects, as well as to determine the projects' overall funding situations, the Center for Women Policy Studies conducted a national survey. The survey was designed to compare changes in funding patterns and service delivery in Fiscal Year 1981, before Congressional cutbacks took effect, with those in Fiscal Year 1982, after the first cutbacks affected projects' funding levels.

Some of the most important survey findings include the following:

- Of the respondents that once received federal funds, 95 percent reported cutbacks in or elimination of those funds, and non-federal funding sources have not made up the difference. Only 16 percent of those who indicated cutbacks in federal funds stated that those losses were being offset by money from other sources—private or state and local governments.
- A majority of domestic violence projects—76 percent of the respondents—are being forced by funding cuts to reduce the number of services or to provide less shelter at a time when their volume of clients is increasing.
- Perhaps the most important finding of the survey is respondents' perceptions that the needs of battered women and their children are not being met—79 percent of the respondents said they did not have the funds to respond to the need in their communities.

And, although a number of projects reported that they have enough money to support their existing programs or have managed to increase their budgets, they make it clear that they cannot keep up with the growing need.

Method

CWPS conducted its survey during the summer and fall of 1982, sending questionnaires to 1,182 domestic violence projects across the country. The surveyed projects provide services to at least one of the following: battered women, their children, or men who batter. Approximately 56 percent (665 projects) responded. Mailing lists were compiled from several sources, including state domestic violence coalitions and directories of domestic violence projects nationwide. Several projects forwarded copies of the questionnaire to other projects not on the initial mailing list. Approximately 7 percent of the questionnaires (78) came back addressed as undeliverable.

In the questionnaire, projects were asked to identify their funding sources, both government (federal, state, and local) and private (corporate, foundation, community, etc.) during FY 1982 and were asked to indicate whether funding from each source had increased or decreased since FY 1981. In addition, projects were asked to describe their services and staffing patterns in FY 1982 and to note increases or reductions in those areas since FY 1981.

Finally, projects were asked to answer a series of questions, including whether federal cutbacks were being offset by funds from other sources, whether there had been any changes in services offered due to changes in funding, whether other projects in their community were providing services similar to theirs, and whether there were more people seeking help than the project could serve. Projects were also asked to use a "Comments" section of the questionnaire to elaborate on any aspects of their funding situations not specifically addressed by the questionnaire.

Profile of Respondents

Of the projects responding to the survey, 72 percent (477 projects) provide shelter to battered women and 32 percent (210) provide counseling services to men who batter. (These numbers exceed the total number of respondents because some projects provide both shelter services for abused women and counseling services for batterers.) A few of the respondents are domestic violence task forces or state-wide coalitions (13 projects) or legal services offices (50) whose clients include battered women. Roughly 30 percent of the respondents (199 projects) are not independently funded organizations but are attached to a parent group, such as a mental health center, district attorney's office, government social service or criminal justice agency, court, university, hospital, the YWCA, or the Salvation Army.

Federal Program Cutbacks

Of the 665 domestic violence projects that responded to the CWPS survey, 78 percent (518 projects) received

support from one or more federal programs during FY 1981 and 1982. Of these, 95 percent (492 projects) reported that in FY 1982 at least one source of their federal funds was reduced or was slated for elimination in FY 1983, often with severe repercussions.

Federal support came primarily from the Law Enforcement Assistance Administration (LEAA), the Office on Domestic Violence (ODV), the Comprehensive Employment and Training Act (CETA), VISTA, Title XX of the Social Security Act, Community Development Block Grants (CDBG), the Legal Services Corporation (LSC), and the Federal Revenue Sharing Program. Budget cutbacks since 1981 have reduced many of these federal funding programs, while others have been eliminated. Only a few continue at their previous funding levels.

LEAA

The Law Enforcement Assistance Administration (LEAA) of the U.S. Department of Justice was at one time a substantial source of federal support for domestic violence projects. Primarily through its Family Violence Program, LEAA provided money for technical assistance, research, and the development of model family violence intervention programs to improve the criminal justice response to battered women. Of the total number of respondents, 18 percent (119 projects) lost some or all of their LEAA monies during the survey period.

LEAA was terminated in 1980, when Congress didn't renew enabling legislation for the agency. While Congress appropriated $3 million for the agency that year, the funds were used solely to continue some of its existing grants. Thus, although a few domestic violence projects continued to receive LEAA grant money through FY 1982, all aid ceased by September 30, 1982.

One important way LEAA sought "to improve the effectiveness of the criminal justice system in spouse abuse cases" was to encourage the development of community-wide approaches, involving the active participation of all relevant criminal justice, social service, medical, and mental health agencies. LEAA's family violence program also conducted training for criminal justice personnel.

LEAA's dissolution, therefore, meant the loss not only of a substantial sum of money for family violence projects, but also of an influential federal proponent of the integrated community approach to stopping domestic violence.

ODV

President Carter created the Office on Domestic Violence (ODV) in 1979 to coordinate efforts to end domestic violence on the national level. Housed in the Department of Health and Human Services (HHS), ODV, like LEAA's Family Violence Program, provided technical assistance and supported research.

While only 6 percent of the respondents (39 projects) reported the loss of direct aid from HHS (through ODV or the National Center for Child Abuse and Neglect), ODV indirectly aided all domestic violence projects by encouraging interagency coordination and funding a National Clearinghouse on Domestic Violence. The Office backed federal legislation which, if enacted, would have provided millions of dollars to shelters throughout the country. When ODV was closed in January 1981, domestic violence projects lost an important federal advocate and ally.

CETA

The Comprehensive Employment and Training Act (CETA) provided "job training and employment opportunities for economically disadvantaged, unemployed, and underemployed persons." As nonprofit, community organizations, domestic violence projects were often eligible for CETA workers under the Act's Public Service Employment (PSE) Titles II and VI, which subsidized the workers' salaries.

CETA also directly aided individual battered women through Title III, which authorized job training and employment services to disadvantaged persons, including women, single parents, displaced homemakers, and individuals who lack educational credentials—all categories which might include battered women.

Between FY 1980 and FY 1983, Congress cut CETA's funding by more than half. Most of the drop was accounted for by the elimination of the PSE Titles II and VI in FY 1981.

CETA's authorization ended in September 1982, but some of CETA's functions have been funded through FY 1983. Congress has enacted the Job Training Partnership Act (JTPA) to replace CETA beginning in FY 1984. Nothing in the new act, however, with its heavy emphasis on job training and placement in the private sector, is comparable to the PSE titles which formerly subsidized domestic violence workers' salaries. While individual battered women may be able to get some training assistance under the JTPA, there will be no subsidized workers for domestic violence projects.

Domestic violence projects have felt the loss of the PSE titles keenly. In FY 1981 and FY 1982, CETA helped many domestic violence projects meet their staffing needs. More than 38 percent of the respondents (251 projects) cited the loss of some or all of their CETA workers during the survey period, with significant effects on their ability to provide services.

VISTA

Although it was a major source of federal support, CETA was not the only federal program that helped meet the staffing needs of domestic violence projects. VISTA, a project of America's domestic volunteer program, ACTION, has also provided workers to domestic violence projects. Available to projects working "to eliminate poverty-related human, social, and environmental problems," VISTA volunteers serve full-time for at least one year and work in support rather than direct services. VISTA volunteers are invaluable to domestic

violence projects in many areas, particularly in community outreach.

Survey results indicate that in FY 1981 and FY 1982, 10 percent of the respondents (66 projects) had at least one VISTA volunteer; 9 projects reported losing their VISTA volunteers in FY 1982.

Although only a few projects reported a loss, undoubtedly many more projects will face a future loss of their VISTA volunteers because VISTA's funding has been significantly reduced since FY 1981. VISTA's funding was slashed from $33 million in FY 1981 to $10 million in FY 1982 and the number of volunteers fell from 4,718 in FY 1980 to 2,418 in FY 1982.

Despite the Administration's FY 1983 budget request of zero funding for VISTA, Congress voted the program $11.8 million and required a minimum of 1,800 entries for the VISTA training program for FY 1983.

VISTA is currently up for reauthorization for FY 1984; a House of Representatives subcommittee has recommended a three-year reauthorization which would bring its funding level up to $30 million in FY 1986.

Title XX

According to survey results, the most pervasive federal funding source for domestic violence projects next to CETA has been Title XX of the Social Security Act. Of the respondents, 20 percent (132 projects) indicated they received Title XX funds in FY 1981 or FY 1982 or in both years. Nearly half of these—59 projects—reported decreases in Title XX funds in FY 1982 or anticipated decreases for FY 1983.

Administered by the Department of Health and Human Services, Title XX "provides formula grants to the states to assist in providing social services to public assistance recipients and certain other low-income persons." Several of its broad goals—to help eligible persons to achieve economic self-support or self-sufficiency and to prevent or remedy neglect, abuse, or exploitation—are consistent with many services offered by domestic violence projects. These include offering information and referrals, crisis intervention, emergency shelter, housing, and legal services. Some Title XX funds are also available to train social services staff.

Before FY 1982, Title XX funds were used to reimburse the states for 75 percent of the costs of providing social services to eligible clients, with the states expected to contribute the remaining 25 percent. Reagan's Budget Reconciliation Act of 1981 amended Title XX by creating a social services block grant and dropping the matching requirement.

Although federal funding levels for Title XX have remained relatively stable in recent years ($2.49 billion in FY 1981, $2.4 billion in FY 1982, $2.45 billion in FY 1983, and $2.5 billion estimated for FY 1984), it is clear that states have less to spend on social services when inflation and the elimination of a matching requirement are considered. Although Title XX's broad goals have remained the same and there are still some federal reporting requirements, states now have far more discretion over allocation of Title XX funds. Domestic violence projects in some states are competing with other social service organizations for fewer funds.

CDBG

Domestic violence projects also receive help from the Community Development Block Grant program (CDBG), administered by the Department of Housing and Urban Development. CDBG provides cities and counties with funds for community and economic development activities. As a result of a 1979 amendment to regulations governing the program, battered women's projects became specifically eligible to receive CDBG funds to buy or improve a building.

CDBG has, on the face of it, lost comparatively little in the budget cutting process—dropping from approximately $3.7 billion in FY 1981 to approximately $3.5 billion in FY 1982 and 1983, with $3.5 billion estimated for FY 1984. However, in FY 1982, the Small Cities Program was folded into CDBG. This program accounts for approximately one-third of CDBG's funding for FY 1982, '83, and '84.

Survey results show that some domestic violence projects have received CDBG money, usually in the form of a one-time grant with which to lease, purchase, or renovate an office or shelter facility. Sixteen percent of survey respondents (106 projects) received support in FY 1981 or FY 1982 from CDBG.

CSA

In FY 1981, the Community Services Administration (CSA), funded at a level of $540 million, supported community-based agencies that funnelled money into social service and development programs designed to benefit poor people, including domestic violence victims. In that year, 7 percent of the survey respondents (47 projects) reported receiving financial support from CSA.

During the 1981 session, Congress passed the Community Services Block Grant program (CSBG), handing the pursestrings for CSA over to the states and cutting the program's funding by 25 percent. CSBG's FY 1982 funding slid to $365.8 million and $359.9 million in FY 1983. The Reagan Adminstration's budget request for FY 1984 is approximately $3 million for close-out money, but observers expect Congress to appropriate closer to $300 million.

Virtually all—45 of 47 projects—that reported receiving CSA funds lost some or all of the funds in FY 1982. With reduced funding and greater competition for existing funds, domestic violence projects will have more difficulty obtaining funds from CSBG in the future.

Other

Survey results show that domestic violence projects also get some support from other federal agencies including donations of federal surplus property from the General Services Administration and food from the U.S. Department of Agriculture, as well as help from the

Foster Grandparents program of ACTION.

Some domestic violence projects receive funding through the Federal Revenue Sharing program of the U.S. Treasury, which is designed to augment the budgets of local governments. Each year the program provides $4.6 billion in virtually unrestricted funds to nearly 40,000 local governments.

Other respondents—usually legal services projects—reported receiving support from the Legal Services Corporation, which has faced steady funding cuts since FY 1981. These cuts are forcing many legal services offices to close around the country, which is likely to have a detrimental impact on the quality and amount of legal assistance these projects can give to battered women who often cannot afford a private attorney.

Six percent of the respondents (41 projects) reported reductions in support from one or more of the "other" sources in FY 1981 or FY 1982.

Direct Aid for Battered Women

Cuts in federal programs that directly aid individual battered women, such as public assistance, food stamps, subsidized housing, and employment training, and many new regulations that make such benefits harder to obtain, have also hurt domestic violence projects. Several respondents commented that it is becoming more and more difficult to get assistance in these areas. One respondent described the frustration this way:

> Because of the marriage license tax in our state, we have not felt the federal cuts as an organization, but as staff trying to help clients become self-sufficient or independent of an abusive partner, it is very discouraging. We used to tell a woman quite honestly, with conviction, that she and her children could make it alone. Although that is still our stance, some of us are frankly not so sure. Our clients can't survive on welfare in our state, and usually they can't find jobs that pay well enough to pay child care costs. Catch 22! We try.

State and Local Government Funding

Almost half, or 44 percent of the respondents that reported cutbacks in federal funds, had increased support from state or local governments. But only 16 percent said that federal losses were completely offset by money from state and local government and private funding. For the most part, respondents reported that funds from state and local governments are funnelled to their projects through social service agencies, mental health centers, or criminal justice agencies; although some received funding through substance abuse programs, public safety, and public health agencies.

Many respondents indicated that social services or welfare offices reimburse them for expenses on a per-diem basis, depending on the number of clients served each day. Per-diem funds, which can make up a substantial portion of a project's general budget, are used to cover overhead expenses such as rent, mortgage payments, and food.

Other respondents reported that they received funds through departments of correction, public defenders' offices, and local police departments. Although some respondents indicated that this money is often earmarked for a specific program such as personnel training, other projects stated that the use of the money is unrestricted.

An increasingly popular way for states to support battered women's projects is to pass legislation that adds a surcharge to marriage licenses and divorce applications. Part or all of the income realized from that surcharge is then allocated to domestic violence projects. Respondents from fifteen states indicated that their legislatures had passed such a law to provide them with funding support.

Private Funding

Domestic violence projects also seek support from private sources—local United Ways, foundations, corporations, local businesses, religious and civic organizations, and wealthy individuals. In addition, projects raise money from individuals in their communities through benefits, concerts, and runs for shelters. Of the respondents who lost federal funds, 22 percent (110 projects) reported increased support from one or more of these sources; an additional 152 projects plan to approach the United Way, foundations, or corporations in the future.

According to survey results, the United Way, a national workplace charity campaign, is a major non-governmental source of income for domestic violence projects; 67 percent of our survey respondents (328 projects) received United Way funds during FY 1981 or FY 1982.

Although local United Ways are an important source of funding for domestic violence projects, the expectation that they will pick up the slack left by the federal cutbacks is unrealistic according to Robert Bothwell, executive director of the National Committee for Responsive Philanthropy (NCRP), which monitors grants and contributions to nonprofits by the United Way, foundations, and corporations. Bothwell reports that on the average, each local United Way accepts only one and one-half new members each year and that individual United Ways are having trouble raising enough money to support their present members, much less to consider admitting new ones. In fact, 28 projects faced with federal budget cuts also reported reduced United Way support in FY 1982; only 78 projects could point to increased United Way support.

A number of survey respondents received support through one of the alternative federated campaigns, such as Women's Way in Philadelphia, or through various locally organized campaigns. These federated groups raise money for members by direct appeals to businesses and civic organizations as well as through payroll deductions. Others benefited from inclusion in

the Combined Federal Campaign, the federal government's annual $100 million workplace charity drive.

Of those who reported federal funding cutbacks, 15 percent (72 projects) reported increased foundation support. As their comments reveal, many of these respondents are aware of the limitations of foundation funding. Many projects do not expect that foundations will be able to provide enough support to offset federal cuts, especially given the increased competition from all quarters:

> Foundations seem to give small grants which are not adequate to support our program.
>
> The changes in our program reflect the constant need to promise amazing new tricks in order to keep the essential program rolling; funding comes to 'new and improved' not 'same, old, and competent.' Do I sound bitter?

In addition, most foundations have a poor record on funding women's groups. Quoting from a 1979 Ford Foundation report, the NCRP's Robert Bothwell noted that in 1976, less than one percent of all foundation funds went to programs to improve the status of women. The Foundation Center recently examined the IRS reports of 500 foundations, including the 100 largest, and found that in 1980 only 2.9 percent of the grant dollars given to designated programs were allocated to programs for women and girls. Designated giving—which is 45 percent of the annual total of all foundation giving—totalled 1.3 billion in 1980. While the portion of foundation designated giving for women and girls programs went up from 1.7 percent in 1979 to 2.9 percent in 1980, programs for women and girls still received only $36 million. Despite such limitations, many programs said they will continue to approach foundations for support.

Few survey respondents—a total of 27—reported receiving help from or having approached corporations for support. One possible reason, according to Bothwell, is that they know that many corporations have limited giving programs—especially when it comes to backing groups identified with women's issues. Only 30 percent of all corporations make charitable donations says Bothwell, and those that do often limit their giving to one percent of their incomes, although IRS permits them to give up to 10 percent.

In addition to turning to foundations and federated campaigns for support, survey results indicate that nearly half of the respondents, 45 percent (302 projects), rely on their communities for support. Respondents confirmed that community fundraising not only provides financial support but also enhances community education. A few respondents indicated in the "Comments" section of the questionnaire that their communities had rallied to help them survive recent budget crunches. But survey responses also indicated that financially this help tends to be small and may be hard to develop in the years ahead.

> We enjoy lots of community support, but not much [of it is in] the way of money. Individual donations, yes. Big bucks, no.
>
> We have always worked on developing community and local support. Competition for these same funds is tighter; therefore, I believe the ripple effect will impact on our ability to survive these hard times.
>
> There has been a tendency for community groups and individuals to believe we are less in need of community-based (support) now that we have guaranteed state funds.

More and more groups are beginning to move toward self-sufficiency. Some plan, for instance, to support their nonprofit activities by starting a for-profit venture. More than 21 percent of the projects (101) whose federal funds were cut have either raised or begun to charge fees for their services, both to clients and to community groups.

Services and Staffing

What emerges most strongly from the survey is that services were not equal to demand even before the current round of budget cuts. With over 76 percent of the respondents (505 projects) reporting increased demand for services in FY 1982, and 79 percent (527 projects) saying that they could not meet the demand for services in FY 1982, it is clear that an already bad situation may get worse unless projects can find new sources of funding.

Furthermore, even though respondents were not asked to explain the increased demand for services, 9 percent of the respondents (63 projects) volunteered their perception in the "Comments" section or elsewhere in the questionnaire that the rise was due to the worsening economic situation.

> The level of abuse has risen sharply during the past six months. Men who would have been slapping or punching are now resorting to the use of weapons. This has seemed to be in direct relationship to the man's unemployment and his continuing frustrations regarding it.
>
> [We are] seeing an increase in domestic violence associated with economic difficulties (unemployment, indebtedness). Seeing an increase in the number of women returning to [an] abusive spouse due to a lack of alternatives.

Despite the increased need for services, budget cuts forced projects to cut back on the services they provide. Respondents indicated cutbacks most heavily in the areas of staffing, community education and professional training, children's services, transportation, legal aid, and shelter services. Crisis counseling and long-term counseling services were also affected by tightened budgets.

Staff Cutbacks

Staffing cuts were, without question, the single most damaging result of reduced federal aid. Of the survey

respondents who reported federal cutbacks, 59 percent (292 projects) said lack of money forced them to lay off staff and/or to reduce the hours of remaining staff in FY 1982. The loss of CETA and VISTA workers has forced some projects to reduce services, others to close.

> Due to the unavailability of staff positions from CETA, VISTA, etc., and no increase on the state level, we are presently delaying the opening of a long-worked-for shelter . . .
>
> It is increasingly difficult to maintain service level due to shortage of staff and burnout from overworking.
>
> We have facilities but not staff or funds to operate at minimum levels.
>
> Elimination of CETA staffing . . . forced closure of the shelter home.

Projects report that in many cases staffing cutbacks have had a direct and negative impact on the amount and quality of services they can offer. Even projects that have expanded their services express the fear that they may have done so at the expense of quality, as staff time is spread thin or as many essential tasks are designated to less experienced volunteers. In other cases, counselors have been forced to spend much of their time doing clerical or administrative tasks rather than working with clients.

Volunteerism

Predictably, as the financial crunch forces domestic violence projects to lay off paid staff, they are seeking more volunteers, as 22 percent (106 projects) of our survey respondents who reported cutbacks in federal funding confirmed.

Unfortunately, some projects appear to be having a hard time getting enough volunteers. Some respondents blamed the difficulty in attracting volunteers on the weak economy, which forces many people to work two jobs, limiting the amount of time they can spare. Others attributed it to their tight budget, which makes it impossible to reimburse volunteers for transportation costs.

> We cannot extend to a 24-hour crisis hotline because of lack of volunteer commitment.
>
> As we grew, [the number of] staff (volunteers) did not grow. Therefore we have had to develop shortcuts in services, spend less time with clients, do less advocacy, and alter our support groups.
>
> We are observing a decrease in [the number of] volunteers in our training sessions—a cause of great concern.

On the other hand, many respondents reported that they could not survive hard times without the help of their volunteers.

> We did not cut back on the services when we lost paid staff due to the incredible energy and commitment of volunteers then involved, and the growing number of women making long-term commitments now.

Furthermore, many projects for men who batter are run primarily or entirely by volunteers, survey results indicated.

Several survey respondents commented, however, that despite their enthusiasm and commitment, volunteers are not an adequate substitute for paid staff. Comprehensive services, adequate fiscal management, and coordination of part-time volunteer staff is extremely difficult without paid full-time staff. One respondent commented, "We need to have more paid staff . . . as it is difficult to manage the organization on primarily volunteer efforts."

Community Education and Professional Training

Community education services also suffered as a result of cutbacks—12 percent of respondents that lost federal funds (61 projects) reported having to limit or drop their community education programs, while 10 percent (50 projects) had to curtail their programs to train professionals. Many projects expressed dismay over this necessity, as they regard community outreach as instrumental in changing the attitudes that underlie continued acceptance of battering. Projects also consider community education to be an effective way to alert potential clients and community members to their services.

Other projects indicated that they have had to raise their fees in order to continue public speaking programs and as a result get fewer requests from community groups and schools. Ironically, some projects commented that they have had to limit their community outreach and publicity because they know they couldn't handle the increased requests for services.

Children's Services

Fifteen percent of the survey respondents whose federal funds were cut (72 projects) said financial shortfalls necessitated cutbacks in providing services to children—child care, advocacy, counseling, recreational programming, etc. Many projects felt that they had no choice but to reduce children's services, given their primary commitment to assisting battered women.

Transportation

Twelve percent of those which lost federal funds (59 projects) reduced transportation services. Nonetheless, several of these respondents noted that transportation is an essential service. Shelters with confidential addresses must pick up their clients, and in rural areas lack of transportation can make it impossible for a battered woman to get to a shelter and safety. Shelter vehicles or transportation money also helps to ensure that battered women and their children can get to medical and legal appointments, job interviews, and recreational activities.

Legal Aid

Legal Services groups that responded to the survey—50 projects—noted that the cutbacks to the Legal Services Corporation had greatly limited their ability to provide legal assistance for battered women. Many of the legal services groups commented that cutbacks have forced them to turn away all but emergency cases.

> We can no longer do any family law. Only do emergency abuse orders in battering cases, then refer the woman out for other extended legal work.
>
> Because of astronomical caseloads in many areas of law other than domestic violence, our staff is incapable of providing the supportive counseling necessary in domestic violence situations.

Counseling

Of the respondents who reported cutbacks in federal funds, 22 percent (110 projects) noted that they have had to reduce counseling services, including crisis, long-term, family, and peer support counseling. With the loss of professional and trained staff, domestic violence projects have had to depend on less highly trained volunteers and staff. Some respondents expressed concern that as a result the quality of counseling is suffering.

Shelters/Safe Homes

Of respondents whose federal funds were cut, 39 projects had to reduce or totally eliminate their shelter or safe home services. Of equal concern is that 230 projects—35 percent of the total number of respondents—reported that shelter services are already insufficient or lacking in their communities.

"SHELTER, SHELTER, SHELTER!" was a typical response to the survey question about what services were needed. Current funding levels, however, make more shelters a dim possibility in many communities across the nation.

Insufficient funds have also prevented a number of safe home networks that responded to the survey from converting to permanent shelter facilities—a step many would like to take as, especially in small towns, the location of safe homes is well known, placing both the families and battered women in jeopardy.

Elements of Stable and Unstable Funding

Of the survey respondents in financial straits, rural projects are experiencing the greatest difficulties. Domestic violence projects in rural areas often are isolated and often lack the network of social, legal, medical, and other back-up services that exist in urban areas. They must serve a diverse population, spread out over large areas. These factors make them particularly vulnerable to funding cutbacks, because as one respondent put it, further cutbacks may mean that "like many projects in small, isolated rural communities, ours will be wiped out."

Besides being geographically overextended, many rural projects have more trouble recruiting volunteers and clients in part because community awareness of the issue may be low:

> This is a rural area and rural people do not reach out for help. The problems are out there. I hear and know about them. More money would provide more advertising, educational literature, etc. Meanwhile, we struggle with what we have.
>
> . . . we are a rural area and local sources of funding are really being exhausted by other service agencies.

Of our survey respondents, 51 indicated that they were located in a rural area and linked their location with extreme financial hardship. This result is noteworthy because the questionnaire did not ask projects to identify themselves as urban or rural.

Projects that indicated that federal budget cutbacks have been offset or that they have managed to increase the level of their activities share certain characteristics. Some are projects of national organizations like the YWCA or the Salvation Army. Some respondents reported in fact that upon requesting grants from the United Way or foundations, they were advised to become a part of a better known or more traditional social service organization. Projects also reported that some foundations are more willing to give to affiliated domestic violence projects because they seem more stable or respectable.

> [We] will apply to the United Way next year. They turned us down this year and requested we join the YWCA.
>
> We increased our services from a crisis line—we moved from [being] an autonomous agency to [being a part of a] YWCA program in 1980. This made us immediately eligible for United Way funding.

Other projects surveyed that have been little affected by budget cuts are those attached to a hospital. Besides financial security, at least one respondent noted other benefits to such an arrangement:

> We are unique in that ours is the only shelter we've located/heard of [that is] physically contained within a hospital building. This greatly enhances [the battered woman's] access to medical treatment; provides good intervention and referral.

Programs attached to universities—often located in a woman's center or a psychology, sociology, or social work department—also have more financial stability. Other projects that reported greater security have linked up with groups that work on related issues. A few domestic violence projects combined with children's projects or sexual assault projects to improve their financial health.

Domestic violence projects in states with strong coalitions and significant amounts of state or local funding appear to be more stable financially, and to be better able to respond to the increased need for services in their communities.

> We are in the process of organizing a coalition of other area nonprofits in the mountainous portion of our county . . . The coalition approach will make us more accountable to our community, increase cost-effectiveness, and ensure non-duplication of services. The bottom line is survival!

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